

ASSEMBLY BILL NO. 522—COMMITTEE ON JUDICIARY

MARCH 23, 2007

Referred to Committee on Judiciary

SUMMARY—Provides for licensure of private professional guardians. (BDR 13-1343)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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

AN ACT relating to guardianships; creating the Nevada State Board of Examiners for Private Professional Guardians; providing for the licensure of private professional guardians; providing for the civil liability of a private professional guardian in certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the court to appoint a private professional guardian in certain circumstances. (NRS 159.0595) Under existing law, a private professional guardian is a person who receives compensation for services as a guardian to three or more wards who are not related to the person. (NRS 159.024) **Sections 2-6** of this bill contain provisions regulating the acts of a private professional guardian in certain circumstances. **Section 7** of this bill clarifies that a guardian includes a private professional guardian.

Sections 25-46 of this bill create the Nevada State Board of Examiners for Private Professional Guardians to license and regulate the activities of private professional guardians, not otherwise exempt from licensure, who receive compensation for services as a guardian to three or more wards. **Section 29** creates the Board, which consists of seven members appointed by the Governor. **Sections 29-37** contain provisions concerning the membership, authority and duties of the Board, including the authority to adopt regulations and impose certain fees. **Section 35** requires the Board to establish certain standards concerning the licensing of private professional guardians including a code of conduct and a code of ethics. **Sections 37-42** govern applications for a license as a private professional guardian. **Section 40** sets forth certain requirements for an applicant for a license as a private professional guardian, including, without limitation, that an applicant must: (1) be



at least 21 years of age; (2) be a citizen of the United States; (3) be a resident of this State; (4) not have been convicted of any felony; (5) not have been found liable in any civil action involving fraud, misrepresentation, theft or conversion; and (6) pass an examination prescribed by the Board.

Section 46 of this bill provides that a person who acts in the capacity of a private professional guardian without a license issued pursuant to the provisions of this bill is guilty of a misdemeanor except as specifically authorized by a court pursuant to **section 6** of this bill.

Section 13 of this bill authorizes a cause of action for any ward who is injured by the willful exploitation of the ward by a private professional guardian. If a ward prevails in such an action against a private professional guardian, the court must award costs and attorney's fees to the ward, including, without limitation, any costs incurred in obtaining another guardian.

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 6, inclusive, of this act.

Sec. 2. *Except for remuneration of fees and expenses expressly provided for pursuant to the provisions of this chapter and sections 25 to 46, inclusive, of this act, and any regulations adopted pursuant thereto, a private professional guardian shall not use his position as guardian or the relationship between the guardian and the ward or estate of the ward for private gain. A private professional guardian shall not incur any obligation on behalf of the ward or the estate of the ward that conflicts with the proper discharge of the duties of the private professional guardian.*

Sec. 3. 1. *A private professional guardian shall not, without prior approval of the court by order:*

(a) Acquire a direct or indirect interest, financial or otherwise, in a business transaction or activity of the ward.

(b) Acquire an ownership, possessory, security or other pecuniary interest adverse to the ward.

(c) Be knowingly designated as a beneficiary of any life insurance policy, pension or benefit plan of the ward, except that prior approval of the court is not required if such designation was validly made by the ward before the ward was adjudicated incapacitated.

(d) Purchase, rent, lease or sell, directly or indirectly, any property or services from or to any business entity in which the private professional guardian or the guardian's spouse, parent, child or collateral kindred is an officer, partner, director, shareholder or proprietor or has any financial interest.



2. A private professional guardian who violates the provisions of subsection 1 may be removed as guardian and, in addition to any other liability imposed by law, is subject to personal liability for any injury suffered by the ward as a result of the violation.

Sec. 4. A private professional guardian shall not:

1. Sell the personal property or residence of a ward; or

2. Move any personal property of a ward,
→ before the court appoints the private professional guardian as the permanent guardian of the ward, unless the court makes specific findings that the sale or movement of the property is necessary to protect the welfare of the ward.

Sec. 5. If a private professional guardian breaches any duty owed to a ward or the estate of a ward, the court shall take all action reasonably necessary to protect the ward and the assets of the ward or the estate of the ward.

Sec. 6. 1. Except as otherwise provided in this section, the court shall not appoint a person who is not licensed as a private professional guardian pursuant to sections 25 to 46, inclusive, of this act as the guardian of three or more wards.

2. If the court determines as a result of the annual review of the guardianship of a private professional guardian pursuant to NRS 159.176 that the person is not licensed pursuant to the provisions of sections 25 to 46, inclusive, of this act, the court may revoke the guardianship until such time as the person is licensed pursuant to sections 25 to 46, inclusive, of this act.

3. The court may by order appoint a person who is not licensed as a private professional guardian pursuant to sections 25 to 46, inclusive, of this act to act as a guardian of three or more wards if:

(a) The court determines that the appointment of a private professional guardian is in the best interest of the ward;

(b) The court determines that no licensed private professional guardian lives or works within 50 miles of the court;

(c) No member of the family of the ward is available to act as guardian; and

(d) The order sets forth the efforts of the court to appoint a private professional guardian and an explanation of the court's decision to appoint a guardian who is not a private professional guardian.

Sec. 7. NRS 159.017 is hereby amended to read as follows:

159.017 "Guardian" means any person appointed under this chapter as guardian of the person, of the estate, or of the person and estate for any other person, and includes an organization under NRS 662.245 and joint appointees. The term includes a special guardian and private professional guardian.



1 **Sec. 8.** NRS 159.024 is hereby amended to read as follows:

2 159.024 “Private professional guardian” means a person who
3 ~~[receives compensation for services as a guardian to three or more~~
4 ~~wards who are not related to the person by blood or marriage. The~~
5 ~~term does not include:~~

6 ~~—1. A governmental agency.~~

7 ~~—2. A public guardian appointed or designated pursuant to the~~
8 ~~provisions of chapter 253 of NRS.~~

9 ~~—3. A banking corporation, as defined in NRS 657.016, or an~~
10 ~~organization permitted to act as fiduciary pursuant to NRS 662.245~~
11 ~~if it is appointed as guardian of an estate only.~~

12 ~~—4. A trust company, as defined in NRS 669.070.~~

13 ~~—5. A court appointed attorney licensed to practice law in this~~
14 ~~State.] is required to be licensed pursuant to the provisions of~~
15 ~~sections 25 to 46, inclusive, of this act and who is licensed as a~~
16 ~~private professional guardian pursuant to the provisions of~~
17 ~~sections 25 to 46, inclusive, of this act.~~

18 **Sec. 9.** NRS 159.0595 is hereby amended to read as follows:

19 159.0595 1. A private professional guardian, if a person,
20 must be ~~[qualified to serve]~~ *licensed* as a *private professional*
21 guardian pursuant to ~~[NRS 159.059]~~ *sections 25 to 46, inclusive, of*
22 *this act* and must be a registered guardian or master guardian unless
23 a hearing is held and the court finds that good cause exists to waive
24 the requirement that the private professional guardian be a registered
25 guardian or master guardian.

26 2. A private professional guardian, if an entity, must be
27 ~~[qualified to serve]~~ *licensed* as a *private professional* guardian
28 pursuant to ~~[NRS 159.059]~~ *sections 25 to 46, inclusive, of this act*
29 and must have a *licensed private professional guardian who is a*
30 registered guardian or master guardian involved in the day-to-day
31 operation or management of the entity unless a hearing is held and
32 the court finds that good cause exists to waive the requirement that
33 the private professional guardian have a registered guardian or
34 master guardian involved in the day-to-day operation or
35 management of the entity.

36 3. As used in this section:

37 (a) “Entity” includes, without limitation, a corporation, whether
38 or not for profit, a limited-liability company and a partnership.

39 (b) “Master guardian” means a person who is certified by the
40 National Guardianship Foundation or any successor organization as
41 a master guardian.

42 (c) “Person” means a natural person.

43 (d) “Registered guardian” means a person who is certified by the
44 National Guardianship Foundation or any successor organization as
45 a registered guardian.



Sec. 10. NRS 159.0755 is hereby amended to read as follows:

~~159.0755~~ **1.** *Except as otherwise provided in subsection 2,* at the time of the appointment of the guardian or thereafter, the estate of a ward consists of personal property having a value not exceeding by more than \$5,000 the aggregate amount of unpaid expenses of administration of the guardianship estate and claims against the estate, the guardian of the estate, with prior approval of the court by order, may pay those expenses and claims from the estate and deliver all the remaining personal property to such person as the court may designate in the order, to be held, invested or used as ordered by the court. The recipient of the property so delivered shall give a receipt therefor to the guardian. The receipt is a release and acquittance to the guardian as to the property so delivered. The guardian shall file in the proceeding proper receipts or other evidence satisfactory to the court showing the delivery, and the guardian is released from his trust and his bond exonerated.

2. *The provisions of this section do not apply to a private professional guardian.*

Sec. 11. NRS 159.076 is hereby amended to read as follows:

159.076 1. The court may grant a summary administration if, at any time, it appears to the court that after payment of all claims and expenses of the guardianship the value of the ward's property does not exceed \$5,000.

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

(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.

(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



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(c) The court may require the guardian to post a bond.

5. The provisions of this section do not apply to a private professional guardian.

Sec. 12. NRS 159.185 is hereby amended to read as follows:

159.185 The court may remove a guardian if the court determines that:

1. The guardian has become mentally incompetent, unsuitable or otherwise incapable of exercising the authority and performing the duties of a guardian as provided by law;

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;

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, *including, without limitation, the duty to timely file any report required by this chapter*, regardless of injury;

7. The best interests of the ward will be served by the appointment of another person as guardian; or

8. The guardian is a private professional guardian who is no longer ~~qualified~~ *licensed* as a private professional guardian pursuant to ~~[NRS 159.0595.]~~ *sections 25 to 46, inclusive, of this act.*

Sec. 13. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A ward who has suffered injury as the proximate result of the willful exploitation of the ward by a private professional guardian may bring an action for the recovery of his actual damages and any punitive damages which the facts may warrant. If the ward who has suffered injury prevails in an action brought pursuant to this section, the court shall award him costs and reasonable attorney's fees, including, without limitation, any costs reasonably incurred by the ward in obtaining another guardian.

2. The liability imposed by this section is in addition to any other liability imposed by law.

3. As used in this section:

(a) "Private professional guardian" has the meaning ascribed to it in NRS 159.024.



(b) *“Ward” has the meaning ascribed to it in NRS 159.027.*

Sec. 14. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited or isolated shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation or isolation of the older person to:

(1) The local office of the Aging Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the older person involves an act or omission of the Aging Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging Services Division of the Department of Health and Human Services.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant, psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect,



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1 exploitation or isolation of an older person by a member of the staff
2 of the hospital.

3 (c) A coroner.

4 (d) Every person who maintains or is employed by an agency to
5 provide personal care services in the home.

6 (e) Every person who maintains or is employed by an agency to
7 provide nursing in the home.

8 (f) Any employee of the Department of Health and Human
9 Services.

10 (g) Any employee of a law enforcement agency or a county's
11 office for protective services or an adult or juvenile probation
12 officer.

13 (h) Any person who maintains or is employed by a facility or
14 establishment that provides care for older persons.

15 (i) Any person who maintains, is employed by or serves as a
16 volunteer for an agency or service which advises persons regarding
17 the abuse, neglect, exploitation or isolation of an older person and
18 refers them to persons and agencies where their requests and needs
19 can be met.

20 (j) Every social worker.

21 (k) Any person who owns or is employed by a funeral home or
22 mortuary.

23 *(l) A legal guardian of the older person or vulnerable person,*
24 *including, without limitation, a guardian who is licensed as a*
25 *private professional guardian pursuant to sections 25 to 46,*
26 *inclusive, of this act.*

27 5. A report may be made by any other person.

28 6. If a person who is required to make a report pursuant to
29 subsection 1 knows or has reasonable cause to believe that an older
30 person has died as a result of abuse, neglect or isolation, the person
31 shall, as soon as reasonably practicable, report this belief to the
32 appropriate medical examiner or coroner, who shall investigate the
33 cause of death of the older person and submit to the appropriate
34 local law enforcement agencies, the appropriate prosecuting
35 attorney and the Aging Services Division of the Department of
36 Health and Human Services his written findings. The written
37 findings must include the information required pursuant to the
38 provisions of NRS 200.5094, when possible.

39 7. A division, office or department which receives a report
40 pursuant to this section shall cause the investigation of the report to
41 commence within 3 working days. A copy of the final report of the
42 investigation conducted by a division, office or department, other
43 than the Aging Services Division of the Department of Health and
44 Human Services, must be forwarded to the Aging Services Division
45 within 90 days after the completion of the report.



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8. If the investigation of a report results in the belief that an older person is abused, neglected, exploited or isolated, the Aging Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person if he is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 15. NRS 200.5095 is hereby amended to read as follows:

200.5095 1. Reports made pursuant to NRS 200.5093, 200.50935 and 200.5094, and records and investigations relating to those reports, are confidential.

2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and investigation of the abuse, neglect, exploitation or isolation of older persons or vulnerable persons, except:

(a) Pursuant to a criminal prosecution;

(b) Pursuant to NRS 200.50982; or

(c) To persons or agencies enumerated in subsection 3,

is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 2 and NRS 200.50982, data or information concerning the reports and investigations of the abuse, neglect, exploitation or isolation of an older person or a vulnerable person is available only to:

(a) A physician who is providing care to an older person or a vulnerable person who may have been abused, neglected, exploited or isolated;

(b) An agency responsible for or authorized to undertake the care, treatment and supervision of the older person or vulnerable person;

(c) A district attorney or other law enforcement official who requires the information in connection with an investigation of the abuse, neglect, exploitation or isolation of the older person or vulnerable person;

(d) A court which has determined, in camera, that public disclosure of such information is necessary for the determination of an issue before it;

(e) A person engaged in bona fide research, but the identity of the subjects of the report must remain confidential;

(f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;

(g) Any comparable authorized person or agency in another jurisdiction;

(h) A legal guardian of the older person or vulnerable person, if the identity of the person who was responsible for reporting the



1 alleged abuse, neglect, exploitation or isolation of the older person
2 or vulnerable person to the public agency is protected, and the legal
3 guardian of the older person or vulnerable person is not the person
4 suspected of such abuse, neglect, exploitation or isolation;

5 (i) If the older person or vulnerable person is deceased, the
6 executor or administrator of his estate, if the identity of the person
7 who was responsible for reporting the alleged abuse, neglect,
8 exploitation or isolation of the older person or vulnerable person to
9 the public agency is protected, and the executor or administrator is
10 not the person suspected of such abuse, neglect, exploitation or
11 isolation; or

12 (j) The older person or vulnerable person named in the report as
13 allegedly being abused, neglected, exploited or isolated, if that
14 person is not legally incompetent.

15 4. If the person who is reported to have abused, neglected,
16 exploited or isolated an older person or a vulnerable person is the
17 holder of a license or certificate issued pursuant to chapters 449, 630
18 to 641B, inclusive, or 654 of NRS ~~H~~ *or sections 25 to 46, inclusive,*
19 *of this act*, information contained in the report must be submitted to
20 the board that issued the license.

21 **Sec. 16.** NRS 218.825 is hereby amended to read as follows:

22 218.825 1. Except as otherwise provided in subsection 2,
23 each board created by the provisions of NRS 590.485 and chapters
24 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656
25 of NRS *and sections 25 to 46, inclusive, of this act* shall:

26 (a) If the revenue of the board from all sources is less than
27 \$50,000 for any fiscal year, prepare a balance sheet for that fiscal
28 year on the form provided by the Legislative Auditor and file the
29 balance sheet with the Legislative Auditor and the Chief of the
30 Budget Division of the Department of Administration on or before
31 December 1 following the end of that fiscal year. The Legislative
32 Auditor shall prepare and make available a form that must be used
33 by a board to prepare such a balance sheet.

34 (b) If the revenue of the board from all sources is \$50,000 or
35 more for any fiscal year, engage the services of a certified public
36 accountant or public accountant, or firm of either of such
37 accountants, to audit all its fiscal records for that fiscal year and file
38 a report of the audit with the Legislative Auditor and the Chief of
39 the Budget Division of the Department of Administration on or
40 before December 1 following the end of that fiscal year.

41 2. In lieu of preparing a balance sheet or having an audit
42 conducted for a single fiscal year, a board may engage the services
43 of a certified public accountant or public accountant, or firm of
44 either of such accountants, to audit all its fiscal records for a period
45 covering two successive fiscal years. If such an audit is conducted,



1 the board shall file the report of the audit with the Legislative
2 Auditor and the Chief of the Budget Division of the Department of
3 Administration on or before December 1 following the end of the
4 second fiscal year.

5 3. The cost of each audit conducted pursuant to subsection 1 or
6 2 must be paid by the board that is audited. Each such audit must be
7 conducted in accordance with generally accepted auditing standards,
8 and all financial statements must be prepared in accordance with
9 generally accepted principles of accounting for special revenue
10 funds.

11 4. Whether or not a board is required to have its fiscal records
12 audited pursuant to subsection 1 or 2, the Legislative Auditor shall
13 audit the fiscal records of any such board whenever directed to do so
14 by the Legislative Commission. When the Legislative Commission
15 directs such an audit, the Legislative Commission shall also
16 determine who ~~is to~~ *must* pay the cost of the audit.

17 5. A person who is a state officer or employee of a board is
18 guilty of nonfeasance if the person:

19 (a) Is responsible for preparing a balance sheet or having an
20 audit conducted pursuant to this section or is responsible for
21 preparing or maintaining the fiscal records that are necessary to
22 prepare a balance sheet or have an audit conducted pursuant to this
23 section; and

24 (b) Knowingly fails to prepare the balance sheet or have the
25 audit conducted pursuant to this section or knowingly fails to
26 prepare or maintain the fiscal records that are necessary to prepare a
27 balance sheet or have an audit conducted pursuant to this section.

28 6. In addition to any other remedy or penalty, a person who is
29 guilty of nonfeasance pursuant to this section forfeits his state office
30 or employment and may not be appointed to a state office or
31 position of state employment for a period of 2 years ~~following~~
32 *after* the forfeiture. The provisions of this subsection do not apply to
33 a state officer who may be removed from office only by
34 impeachment pursuant to Article 7 of the Nevada Constitution.

35 **Sec. 17.** NRS 284.013 is hereby amended to read as follows:

36 284.013 1. Except as otherwise provided in subsection 4, this
37 chapter does not apply to:

38 (a) Agencies, bureaus, commissions, officers or personnel in the
39 Legislative Department or the Judicial Department of State
40 Government, including the Commission on Judicial Discipline;

41 (b) Any person who is employed by a board, commission,
42 committee or council created in chapters 590, 623 to 625A,
43 inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and 656 of NRS
44 ~~§~~ *and sections 25 to 46, inclusive, of this act; or*



(c) Officers or employees of any agency of the Executive Department of the State Government who are exempted by specific statute.

2. Except as otherwise provided in subsection 3, the terms and conditions of employment of all persons referred to in subsection 1, including salaries not prescribed by law and leaves of absence, including, without limitation, annual leave and sick and disability leave, must be fixed by the appointing or employing authority within the limits of legislative appropriations or authorizations.

3. Except as otherwise provided in this subsection, leaves of absence prescribed pursuant to subsection 2 must not be of lesser duration than those provided for other state officers and employees pursuant to the provisions of this chapter. The provisions of this subsection do not govern the Legislative Commission with respect to the personnel of the Legislative Counsel Bureau.

4. Any board, commission, committee or council created in chapters 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and 656 of NRS *and sections 25 to 46, inclusive, of this act* which contracts for the services of a person H shall require the contract for those services to be in writing. The contract must be approved by the State Board of Examiners before those services may be provided.

Sec. 18. NRS 353.005 is hereby amended to read as follows:

353.005 The provisions of this chapter do not apply to boards created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS *and sections 25 to 46, inclusive, of this act* and the officers and employees of those boards.

Sec. 19. NRS 353A.020 is hereby amended to read as follows:

353A.020 1. The Director, in consultation with the Committee and Legislative Auditor, shall adopt a uniform system of internal accounting and administrative control for agencies. The elements of the system must include, without limitation:

(a) A plan of organization which provides for a segregation of duties appropriate to safeguard the assets of the agency;

(b) A plan which limits access to assets of the agency to persons who need the assets to perform their assigned duties;

(c) Procedures for authorizations and recordkeeping which effectively control accounting of assets, liabilities, revenues and expenses;

(d) A system of practices to be followed in the performance of the duties and functions of each agency; and

(e) An effective system of internal review.



2. The Director, in consultation with the Committee and Legislative Auditor, may modify the system whenever he considers it necessary.

3. Each agency shall develop written procedures to carry out the system of internal accounting and administrative control adopted pursuant to this section.

4. For the purposes of this section, "agency" does not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS ~~H~~ *and sections 25 to 46, inclusive, of this act.*

(b) The Nevada System of Higher Education.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

Sec. 20. NRS 353A.025 is hereby amended to read as follows:

353A.025 1. The head of each agency shall periodically review the agency's system of internal accounting and administrative control to determine whether it is in compliance with the uniform system of internal accounting and administrative control for agencies adopted pursuant to subsection 1 of NRS 353A.020.

2. On or before July 1 of each even-numbered year, the head of each agency shall report to the Director whether the agency's system of internal accounting and administrative control is in compliance with the uniform system adopted pursuant to subsection 1 of NRS 353A.020. The reports must be made available for inspection by the members of the Legislature.

3. For the purposes of this section, "agency" does not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS ~~H~~ *and sections 25 to 46, inclusive, of this act.*

(b) The Nevada System of Higher Education.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

4. The Director shall, on or before the first Monday in February of each odd-numbered year, submit a report on the status of internal accounting and administrative controls in agencies to the:

(a) Director of the Legislative Counsel Bureau for transmittal to the:

(1) Senate Standing Committee on Finance; and

(2) Assembly Standing Committee on Ways and Means;

(b) Governor; and

(c) Legislative Auditor.



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5. The report submitted by the Director pursuant to subsection 4 must include, without limitation:

(a) The identification of each agency that has not complied with the requirements of subsections 1 and 2;

(b) The identification of each agency that does not have an effective method for reviewing its system of internal accounting and administrative control; and

(c) The identification of each agency that has weaknesses in its system of internal accounting and administrative control, and the extent and types of such weaknesses.

Sec. 21. NRS 353A.045 is hereby amended to read as follows:
353A.045 The Chief shall:

1. Report to the Director.

2. Develop long-term and annual work plans to be based on the results of periodic documented risk assessments. The annual work plan must list the agencies to which the Division will provide training and assistance and be submitted to the Director for approval. Such agencies must not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS ~~H~~ *and sections 25 to 46, inclusive, of this act.*

(b) The Nevada System of Higher Education.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

3. Provide a copy of the approved annual work plan to the Legislative Auditor.

4. In consultation with the Director, prepare a plan for auditing executive branch agencies for each fiscal year and present the plan to the Committee for its review and approval. Each plan for auditing must:

(a) State the agencies which will be audited, the proposed scope and assignment of those audits and the related resources which will be used for those audits; and

(b) Ensure that the internal accounting, administrative controls and financial management of each agency are reviewed periodically.

5. Perform the audits of the programs and activities of the agencies in accordance with the plan approved pursuant to subsection 5 of NRS 353A.038 and prepare audit reports of his findings.

6. Review each agency that is audited pursuant to subsection 5 and advise those agencies concerning internal accounting, administrative controls and financial management.



7. Submit to each agency that is audited pursuant to subsection 5 analyses, appraisals and recommendations concerning:

(a) The adequacy of the internal accounting and administrative controls of the agency; and

(b) The efficiency and effectiveness of the management of the agency.

8. Report any possible abuses, illegal actions, errors, omissions and conflicts of interest of which the Division becomes aware during the performance of an audit.

9. Adopt the standards of the Institute of Internal Auditors for conducting and reporting on internal audits.

10. Consult with the Legislative Auditor concerning the plan for auditing and the scope of audits to avoid duplication of effort and undue disruption of the functions of agencies that are audited pursuant to subsection 5.

11. Appoint a Manager of Internal Controls.

Sec. 22. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of his home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been



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1 affected by prenatal illegal substance abuse or has withdrawal
2 symptoms resulting from prenatal drug exposure shall, as soon as
3 reasonably practicable but not later than 24 hours after the person
4 knows or has reasonable cause to believe that the newborn infant is
5 so affected or has such symptoms, notify an agency which provides
6 child welfare services of the condition of the infant and refer each
7 person who is responsible for the welfare of the infant to an agency
8 which provides child welfare services for appropriate counseling,
9 training or other services. A notification and referral to an agency
10 which provides child welfare services pursuant to this subsection
11 shall not be construed to require prosecution for any illegal action.

12 4. A report must be made pursuant to subsection 1 by the
13 following persons:

14 (a) A physician, dentist, dental hygienist, chiropractor,
15 optometrist, podiatric physician, medical examiner, resident, intern,
16 professional or practical nurse, physician assistant, psychiatrist,
17 psychologist, marriage and family therapist, alcohol or drug abuse
18 counselor, clinical social worker, athletic trainer, advanced
19 emergency medical technician or other person providing medical
20 services licensed or certified in this State.

21 (b) Any personnel of a hospital or similar institution engaged in
22 the admission, examination, care or treatment of persons or an
23 administrator, manager or other person in charge of a hospital or
24 similar institution upon notification of suspected abuse or neglect of
25 a child by a member of the staff of the hospital.

26 (c) A coroner.

27 (d) A clergyman, practitioner of Christian Science or religious
28 healer, unless he has acquired the knowledge of the abuse or neglect
29 from the offender during a confession.

30 (e) A social worker and an administrator, teacher, librarian or
31 counselor of a school.

32 (f) Any person who maintains or is employed by a facility or
33 establishment that provides care for children, children's camp or
34 other public or private facility, institution or agency furnishing care
35 to a child.

36 (g) Any person licensed to conduct a foster home.

37 (h) Any officer or employee of a law enforcement agency or an
38 adult or juvenile probation officer.

39 (i) An attorney, unless he has acquired the knowledge of the
40 abuse or neglect from a client who is or may be accused of the abuse
41 or neglect.

42 (j) Any person who maintains, is employed by or serves as a
43 volunteer for an agency or service which advises persons regarding
44 abuse or neglect of a child and refers them to persons and agencies
45 where their requests and needs can be met.



(k) Any person who is employed by or serves as a volunteer for an approved youth shelter. As used in this paragraph, "approved youth shelter" has the meaning ascribed to it in NRS 244.422.

(l) Any adult person who is employed by an entity that provides organized activities for children.

(m) Any legal guardian of the child, including, without limitation, a guardian licensed as a private professional guardian pursuant to sections 25 to 46, inclusive, of this act.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the report and submit to an agency which provides child welfare services his written findings. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

Sec. 23. NRS 608.0116 is hereby amended to read as follows:

608.0116 "Professional" means pertaining to an employee who is licensed or certified by the State of Nevada for and engaged in the practice of law or any of the professions regulated by chapters 623 to 645, inclusive, and 656A of NRS ~~and~~ *and sections 25 to 46, inclusive, of this act.*

Sec. 24. Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 25 to 46, inclusive, of this act.

Sec. 25. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 26, 27 and 28 of this act have the meanings ascribed to them in those sections.*

Sec. 26. *"Board" means the Nevada State Board of Examiners for Private Professional Guardians created pursuant to section 29 of this act.*

Sec. 27. *"Private professional guardian" means a person who receives compensation for services as a guardian to three or more wards who are not related to the person by blood or marriage. The term does not include:*

1. A governmental agency.

2. A public guardian appointed or designated pursuant to the provisions of chapter 253 of NRS.

3. A banking corporation, as defined in NRS 657.016, or an organization permitted to act as fiduciary pursuant to NRS 662.245 if it is appointed as guardian of an estate only.

4. A trust company, as defined in NRS 669.070.



1 5. A court-appointed attorney licensed to practice law in this
2 State.

3 Sec. 28. "Ward" has the meaning ascribed to it in
4 NRS 159.027.

5 Sec. 29. The Nevada State Board of Examiners for Private
6 Professional Guardians, consisting of seven members appointed
7 by the Governor, is hereby created.

8 Sec. 30. 1. The Governor shall appoint:

9 (a) Five members who by training or experience are
10 knowledgeable in matters concerning private professional
11 guardianships.

12 (b) Two members who are representatives of the general
13 public. A member who is a representative of the general public
14 shall not be the spouse or the parent or child, by blood, marriage
15 or adoption, of a private professional guardian.

16 2. A member who is a representative of the general public
17 shall not participate in preparing, conducting or grading any
18 examination required by the Board.

19 Sec. 31. Each member of the Board serves for a term of 4
20 years. A vacancy on the Board must be filled in the same manner
21 as the original appointment. A member may be reappointed to the
22 Board.

23 Sec. 32. The Governor may remove any appointed member of
24 the Board for misconduct in office, incompetency, neglect of duty
25 or other good cause.

26 Sec. 33. 1. Immediately after the first Board is appointed,
27 the members of the Board shall elect from their membership a
28 Chairman, a Vice Chairman and a Secretary by majority vote.
29 After the initial election, the Chairman and Vice Chairman shall
30 hold office for a term of 1 year beginning on July 1 of each year.
31 If a vacancy occurs in the chairmanship or vice chairmanship, the
32 members of the Board shall elect a Chairman or Vice Chairman,
33 as appropriate, from among its members for the remainder of the
34 unexpired term.

35 2. The Secretary of the Board shall serve at the pleasure of
36 the Board.

37 Sec. 34. 1. The Board shall hold at least one regular
38 meeting quarterly and may meet at such other times as a meeting
39 may be called by the Chairman or a majority of the membership.

40 2. Four members of the Board constitute a quorum for the
41 transaction of business.

42 3. Each member of the Board is entitled to receive a per diem
43 allowance and travel expenses at a rate fixed by the Board, while
44 engaged in the business of the Board. The rate must not exceed
45 the rate provided for state officers and employees generally.



1 4. While engaged in the business of the Board, each employee
2 of the Board is entitled to receive a per diem allowance and travel
3 expenses at a rate fixed by the Board. The rate must not exceed the
4 rate provided for state officers and employees generally.

5 **Sec. 35. 1.** In a manner consistent with the provisions of
6 chapter 622A of NRS, the Board shall:

7 (a) Develop, impose and enforce standards, including, without
8 limitation, a code of conduct and a code of ethics, which must be
9 met by persons to receive licenses as private professional
10 guardians. The standards must be designed to ensure that private
11 professional guardians will be persons who are of good character
12 and otherwise suitable, and who, by training or experience, are
13 qualified to serve as private professional guardians.

14 (b) Develop and apply appropriate techniques, including
15 examinations and investigations, for determining whether a
16 person meets such standards.

17 (c) Issue licenses to persons determined, after the application
18 of appropriate techniques, to meet such standards.

19 (d) Revoke or suspend licenses previously issued by the Board
20 in any case if the person holding the license is determined
21 substantially to have failed to conform to the requirements of the
22 standards.

23 (e) Establish and carry out procedures designed to ensure that
24 persons licensed as private professional guardians will, during any
25 period they serve as such, comply with the requirements of the
26 standards.

27 (f) Receive, investigate and take appropriate action with
28 respect to any charge or complaint filed with the Board to the
29 effect that any person licensed as a private professional guardian
30 has failed to comply with the requirements of the standards. The
31 Board shall initiate an investigation of any charge or complaint
32 filed with the Board not later than 30 days after receiving the
33 charge or complaint.

34 (g) Conduct a continuing study of private professional
35 guardians with a view to the improvement of the standards
36 imposed for the licensing of private professional guardians and
37 methods for the enforcement of the standards.

38 (h) Conduct or approve, or both, a program of training,
39 instruction and continuing education designed to enable all
40 persons to obtain the qualifications necessary to meet the
41 standards set by the Board for qualification as a private
42 professional guardian.

43 (i) Adopt regulations necessary to carry out the provisions of
44 this chapter.



2. Except as otherwise provided in this section, all records kept by the Board, not otherwise privileged or confidential, are public records.

3. Except as otherwise provided in this section, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

4. The charging documents filed with the Board to initiate a disciplinary action and all other documents and information considered by the Board when determining whether to impose discipline are public records.

5. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 36. 1. The Secretary of the Board shall receive and account for all money paid to the Board pursuant to sections 25 to 46, inclusive, of this act. The Secretary shall deposit the money in banks, credit unions or savings and loan associations in this State.

2. Except as otherwise provided in subsection 5, all money received by the Board pursuant to sections 25 to 46, inclusive, of this act must be used to:

(a) Pay the per diem and travel expenses of the members of the Board.

(b) Pay the salaries and per diem and travel expenses of the employees of the Board.

(c) Administer the provisions of sections 25 to 46, inclusive, of this act.

3. Any money which remains at the end of the fiscal year must be retained by the Board for future disbursement for the purposes described in subsection 2.

4. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to sections 25 to 46, inclusive, of this act, impose and collect fines and penalties therefor and deposit the money therefrom in banks, credit unions or savings and loan associations in this State.

5. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 4 and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, the Board



1 *may present a claim to the State Board of Examiners for*
2 *recommendation to the Interim Finance Committee if money is*
3 *needed to pay attorney's fees or the costs of an investigation, or*
4 *both.*

5 **Sec. 37. The Board shall:**

6 *1. Maintain a separate register of all applications for*
7 *licensure as a private professional guardian. Each register must*
8 *include:*

9 *(a) The name, age and place of residence of the applicant.*

10 *(b) The date of the application.*

11 *(c) The date the application was reviewed and the action taken*
12 *on the application.*

13 *(d) The serial number of the license, if any, issued to the*
14 *applicant.*

15 *(e) Any other information required by the Board.*

16 *2. Maintain a register of all licensed private professional*
17 *guardians showing the status of each license.*

18 **Sec. 38. 1. The Board shall prescribe and furnish an**
19 *application form for the use of all persons who desire to be*
20 *licensed pursuant to sections 25 to 46, inclusive, of this act.*

21 *2. All applications filed with the Board must be accompanied*
22 *by all information required to complete the application and the*
23 *required fee fixed by the Board in an amount not to exceed \$100.*

24 *3. The Board may fix and charge an additional fee to cover*
25 *the cost of administering the examinations if the Board determines*
26 *that there is not sufficient money from other sources to cover such*
27 *costs.*

28 **Sec. 39. 1. In addition to any other requirements set forth**
29 *in sections 25 to 46, inclusive, of this act:*

30 *(a) An applicant for the issuance of a license as a private*
31 *professional guardian shall include the social security number of*
32 *the applicant in the application submitted to the Board.*

33 *(b) An applicant for the issuance or renewal of a license as a*
34 *private professional guardian shall submit to the Board the*
35 *statement prescribed by the Division of Welfare and Supportive*
36 *Services of the Department of Health and Human Services*
37 *pursuant to NRS 425.520. The statement must be completed and*
38 *signed by the applicant.*

39 *2. The Board shall include the statement required pursuant to*
40 *subsection 1 in:*

41 *(a) The application or any other forms that must be submitted*
42 *for the issuance or renewal of the license; or*

43 *(b) A separate form prescribed by the Board.*

44 *3. The Board shall not issue or renew a license as a private*
45 *professional guardian if the applicant:*



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1 (a) Fails to submit the information required pursuant to
2 subsection 1; or

3 (b) Indicates on the statement submitted pursuant to
4 subsection 1 that he is subject to a court order for the support of a
5 child and is not in compliance with the order or a plan approved
6 by the district attorney or other public agency enforcing the order
7 for the repayment of the amount owed pursuant to the order.

8 4. If an applicant indicates on the statement submitted
9 pursuant to subsection 1 that he is subject to a court order for the
10 support of a child and is not in compliance with the order or a
11 plan approved by the district attorney or other public agency
12 enforcing the order for the repayment of the amount owed
13 pursuant to the order, the Board shall advise the applicant to
14 contact the district attorney or other public agency enforcing the
15 order to determine the actions that the applicant may take to
16 satisfy the arrearage.

17 **Sec. 40.** Each applicant for licensure as a private
18 professional guardian pursuant to sections 25 to 46, inclusive, of
19 this act must:

20 1. Be at least 21 years of age.

21 2. Be a citizen of the United States.

22 3. Be a resident of this State.

23 4. Not have been convicted of any felony.

24 5. Not have been found liable in any civil action involving
25 fraud, misrepresentation, theft or conversion.

26 6. Submit with his application:

27 (a) A statement listing his true name and each alias that he
28 has used or under which he may have been known;

29 (b) A statement listing the location and address of each place
30 of residence of the applicant during the 10 years immediately
31 preceding the date of submission of the application;

32 (c) Proof satisfactory to the Board that the applicant has
33 completed any initial or continuing education or certification
34 requirements established by the Board;

35 (d) Written permission authorizing the Board to perform a
36 credit check on the applicant;

37 (e) A complete set of his fingerprints and written permission
38 authorizing the Board to forward the fingerprints to the Central
39 Repository for Nevada Records of Criminal History for submission
40 to the Federal Bureau of Investigation for its report; and

41 (f) A fee to cover the actual cost of obtaining the credit check
42 described in paragraph (d) and the report from the Federal
43 Bureau of Investigation described in paragraph (e).



7. *Pass an examination conducted and prescribed by the Board pursuant to the provisions of sections 25 to 46, inclusive, of this act.*

8. *Meet such other standards and qualifications as the Board may from time to time establish.*

9. *Submit all information required to complete the application.*

Sec. 41. 1. *The Board shall issue a numbered license, in such form as it may prescribe, to each applicant who meets the requirements of sections 25 to 46, inclusive, of this act, and shall affix its official seal to the license.*

2. *Each license issued by the Board pursuant to this chapter expires 2 years after the last day of the calendar month in which it was issued and may be renewed on or before that date biennially.*

3. *Any licensed private professional guardian may renew his license by applying for renewal in the manner prescribed by the Board, paying the renewal fee fixed by the Board and submitting all information required to complete the renewal.*

4. *The Board shall, as a prerequisite for the renewal of a license, require each holder to comply with the requirements for continuing education adopted by the Board.*

Sec. 42. *The Board may issue a license as a private professional guardian, without examination, to any applicant who holds the same license from another jurisdiction, if the Board finds that the standards for licensure in the other jurisdiction are the substantial equivalent of those prevailing in this State and that the applicant is otherwise qualified.*

Sec. 43. 1. *The Board may, after notice and a hearing as required by law, impose an administrative fine of not more than \$2,500 on and suspend or revoke the license of any private professional guardian who:*

(a) *Is convicted of a felony relating to the position of a guardian or of any offense involving moral turpitude.*

(b) *Has obtained his license by the use of fraud or deceit.*

(c) *Violates any of the provisions of this chapter.*

(d) *Aids or abets any person in the violation of any of the provisions of this chapter as such provisions pertain to the position of a guardian.*

(e) *Violates any regulation of the Board prescribing additional standards of conduct for private professional guardians.*

2. *The Board shall give a licensee against whom proceedings are brought pursuant to this section written notice of a hearing not less than 10 days before the date of the hearing.*

3. *An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.*



1 **Sec. 44. 1.** *If the Board receives a copy of a court order*
2 *issued pursuant to NRS 425.540 that provides for the suspension*
3 *of all professional, occupational and recreational licenses,*
4 *certificates and permits issued to a person who is the holder of a*
5 *license as a private professional guardian, the Board shall deem*
6 *the license issued to that person to be suspended at the end of the*
7 *30th day after the date on which the court order was issued unless*
8 *the Board receives a letter issued to the holder of the license by the*
9 *district attorney or other public agency pursuant to NRS 425.550*
10 *stating that the holder of the license has complied with the*
11 *subpoena or warrant or has satisfied the arrearage pursuant to*
12 *NRS 425.560.*

13 **2.** *The Board shall reinstate a license as a private*
14 *professional guardian that has been suspended by a district court*
15 *pursuant to NRS 425.540 if the Board receives a letter issued by*
16 *the district attorney or other public agency pursuant to NRS*
17 *425.550 to the person whose license was suspended stating that the*
18 *person whose license was suspended has complied with the*
19 *subpoena or warrant or has satisfied the arrearage pursuant to*
20 *NRS 425.560.*

21 **Sec. 45. 1.** *The Board may reinstate the license of a private*
22 *professional guardian that has been suspended by the Board if a*
23 *majority of the members of the Board vote in favor of the*
24 *reinstatement.*

25 **2.** *In a manner consistent with the provisions of chapter 622A*
26 *of NRS, the Board may reinstate the license of a private*
27 *professional guardian that has been revoked by the Board if all*
28 *the members of the Board vote in favor of reinstatement.*

29 **Sec. 46.** *Except as otherwise provided in section 6 of this act,*
30 *any person who acts in the capacity of a private professional*
31 *guardian without a license issued pursuant to the provisions of*
32 *sections 25 to 46, inclusive, of this act, is guilty of a misdemeanor.*

33 **Sec. 47.** Section 39 of this act is hereby amended to read as
34 follows:

35 Sec. 39. 1. In addition to any other requirements set
36 forth in sections 25 to 46, inclusive, of this act ~~f~~:

37 ~~—(a) An applicant for the issuance of a license as a private~~
38 ~~professional guardian shall include the social security number~~
39 ~~of the applicant in the application submitted to the Board.~~

40 ~~—(b) An~~ **, an** applicant for the issuance or renewal of a
41 license as a private professional guardian shall submit to the
42 Board the statement prescribed by the Division of Welfare
43 and Supportive Services of the Department of Health and
44 Human Services pursuant to NRS 425.520. The statement
45 must be completed and signed by the applicant.



2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. The Board shall not issue or renew a license as a private professional guardian if the applicant:

(a) Fails to submit the ~~information~~ statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 48. 1. This section and sections 1 to 46, inclusive, of this act become effective on January 1, 2008.

2. Section 39 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

are repealed by the Congress of the United States.

3. Section 47 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or



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- 1 (b) Are in arrears in the payment for the support of one or more
2 children,
3 ➡ are repealed by the Congress of the United States.
- 4 4. Sections 44 and 47 of this act expire by limitation on the
5 date 2 years after the date on which the provisions of 42 U.S.C. §
6 666 requiring each state to establish procedures under which the
7 state has authority to withhold or suspend, or to restrict the use of
8 professional, occupational and recreational licenses of persons who:
9 (a) Have failed to comply with a subpoena or warrant relating to
10 a proceeding to determine the paternity of a child or to establish or
11 enforce an obligation for the support of a child; or
12 (b) Are in arrears in the payment for the support of one or more
13 children,
14 ➡ are repealed by the Congress of the United States.

