
ASSEMBLY BILL NO. 319—ASSEMBLYMAN SPRINKLE

MARCH 17, 2017

JOINT SPONSOR: SENATOR HARRIS

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the guardianship of minors. (BDR 13-502)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

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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; revising provisions governing the guardianship of minors; authorizing the appointment of an advocate for the best interests of a proposed protected minor in guardianship proceedings; revising the required contents of a citation in guardianship proceedings for a protected minor; revising the procedures for requesting the appointment of a temporary guardian for certain minors; requiring the assignment of child support payments to a guardian for the support of a protected minor; authorizing the award of visitation rights between a protected minor and certain relatives; revising the factors for consideration in guardianship determinations regarding a protected minor; revising provisions for changing the residence of a protected minor to a location outside of this State; revising provisions governing obligations due to or for a protected minor; establishing certain requirements for the filing of a verified account upon the emancipation of a protected minor; providing for the extension or establishment of a guardianship of a minor after the age of majority; establishing certain required showings for certain terminations of guardianships; making various other changes pertaining to guardianships; and providing other matters properly relating thereto.



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Legislative Counsel's Digest:

Existing law sets forth the procedures for the appointment of a guardian for a ward, the powers and duties of a guardian and the termination of a guardianship. (Chapter 159 of NRS) **Sections 2-157** of this bill create a new chapter applicable exclusively to guardianships of minors, incorporating, revising and supplementing those provisions from existing law as they currently relate to minors.

Section 27 authorizes the court to appoint an advocate for the best interests of a proposed protected minor and sets forth the role of the advocate as an officer of the court.

Existing law requires a citation issued pursuant to a petition for the appointment of a guardian to include certain specified information concerning the rights of a proposed ward. (NRS 159.048) **Section 31** adds the requirement that a citation also include notice that: (1) the rights of any person having legal or physical custody of a proposed protected minor may be affected as specified in the petition; and (2) at any time in the proceedings, the court may appoint for the proposed protected minor an attorney, a guardian ad litem and an advocate for the best interests of the proposed protected minor.

Existing law provides that a petitioner may request the appointment of 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. (NRS 159.052) **Section 36** of this bill revises the procedure by which a petitioner may request the appointment of a temporary guardian for a minor who is in need of immediate medical attention by eliminating the requirement that the petition be supported by a letter signed by a governmental agency in this State which conducts investigations or a police report indicating whether the proposed ward presents a danger to himself or herself or others, or whether the proposed ward is or has been subjected to abuse, neglect or exploitation.

Section 37 of this bill establishes a procedure by which a petitioner may, by verified petition, request the appointment of a temporary guardian for the person of a proposed protected minor, for his or her estate or for both, in circumstances other than when the minor is in need of immediate medical attention. **Section 37** requires the petition to state facts establishing good cause for the appointment of a temporary guardian and which show that: (1) the petitioner has tried in good faith to give notice of the petition as required by statute; (2) the minor would be at risk of immediate physical, emotional or financial harm if such notice were to be provided before the court determines whether to appoint a temporary guardian; or (3) giving such notice is not feasible under the circumstances. **Section 37** eliminates a requirement that the court limit the powers of a temporary guardian for a protected minor to those necessary to respond to the risk which threatens the minor. **Section 37** requires, in the case of an ex parte application, the petition be accompanied by an affidavit which explains the emergency. **Section 37** also provides that, if no parent of a proposed protected minor has had the care, custody and control of the minor for the 6 months immediately preceding the petition, temporary guardianship is presumed to be in the minor's best interest. Finally, **section 37** provides that the court may extend a temporary guardianship beyond an initial period of 10 days for not more than two successive 60-day periods unless extraordinary circumstances necessitate a longer duration for the temporary guardianship.

Section 41 requires the assignment of payments of court-ordered child support to the guardian for the support of a protected minor.

Section 42 authorizes the award of rights of visitation between a protected minor and his or her parents or relatives who are within the fourth degree of consanguinity.

Existing law states that the parents of a minor, if qualified and suitable, are preferred over all others for appointment as guardian for the minor and sets forth certain factors for consideration by the court in determining the qualifications and



suitability of any person who is proposed for appointment as guardian. (NRS 159.061) **Section 46** revises these provisions by establishing a presumption that a parent who petitioned for guardianship of a minor is suitable to serve as guardian, except when a countering presumption that a parent is unsuitable to care for the proposed protected minor is created by a showing that: (1) the parent is unable to provide for the basic needs of the minor; (2) the parent poses a significant risk of physical or emotional danger to the minor; or (3) the minor has not been in the care, custody and control of the parent for the 6 months immediately preceding the filing of the petition. **Section 46** also adds to the factors for consideration by the court the question of whether the parent or another person has engaged in domestic violence against the proposed protected minor, a parent of the minor or any other person who resides with the minor. **Section 46** provides that, in the event of competing petitions, any finding of unsuitability of a parent must be supported by clear and convincing evidence after a hearing on the merits or an evidentiary hearing. **Section 46** authorizes the court to award temporary guardianship, supported by findings of suitability, pending a trial or evidentiary hearing. Finally, **section 46** requires the court to always act in the best interests of the proposed protected minor.

Existing law: (1) requires a guardian to petition the court to change the residence of a ward to a location outside of this State; and (2) authorizes a guardian to move or place the ward in a secured residential long-term care facility without filing a petition if the court has previously granted the guardian such authority or the move or placement is pursuant to a written recommendation by a licensed physician, a physician employed by the Department of Veterans Affairs, a licensed social worker or an employee of a county or state office for protective services. (NRS 159.079) **Section 61** requires a guardian to file a petition for guardianship of a protected minor in the state of the minor's new residence not later than 6 months after changing the residence of the minor to a location outside of this State. **Section 61** also requires a guardian to file a petition with the court for authorization to move a protected minor to a secured residential long-term facility in all circumstances.

Section 73 revises provisions governing obligations due to or for a protected minor to provide for the payment of child support to a guardian for the support of the minor and to require a guardian to give notice to the court of the entry of an order for the payment of support for the minor or the approval of any public assistance for the minor.

Section 128 requires a guardian of the estate of a minor to make and file a verified account within 90 days after the emancipation of the minor, unless the court authorizes a longer period.

Existing law sets forth circumstances under which the guardianship of the person or the estate of a ward is terminated. (NRS 159.191) **Section 144** adds a requirement that a hearing be held not later than 90 days before the protected minor reaches the age of majority to determine whether guardianship is needed or requested beyond the age of majority and whether the guardian should be notified of any requirements of the guardianship which require compliance. **Section 144** also provides for the filing of a petition for guardianship pursuant to existing law governing guardianships for adults if the court determines that, upon reaching the age of majority, a protected minor would be deemed an incompetent adult.

Section 145 sets forth certain showings that a parent of a protected minor must make to terminate the guardianship of the minor.

Sections 158-192 of this bill revise the provisions of existing law in chapter 159 of NRS governing guardianships of adults to apply exclusively to guardianships of adults.



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

Section 1. Title 13 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 157, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 14, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Care provider” includes any public or private institution located within or outside this State which provides facilities for the care or maintenance of minors.*

Sec. 4. *“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 or herself in a specified way, or notifying a person of a hearing.*

Sec. 5. *“Court” means any court or judge having jurisdiction of the persons and estates of minors.*

Sec. 6. *“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, without limitation, if the context so requires, a person appointed in another state who serves in the same capacity as a guardian in this State.*

Sec. 7. *“Home state” means the state in which the proposed protected minor was physically present for at least 6 consecutive months, including any temporary absence from the state, immediately before the filing of a petition for the appointment of a guardian.*

Sec. 8. *“Minor” means any person who 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 section 144 of this act.

Sec. 9. 1. *“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 guardian by blood or marriage.*

2. For the purposes of this chapter, the term includes:

(a) A person who serves as a private professional guardian and who is required to have a license issued pursuant to chapter 628B of NRS.



(b) *A person who serves as a private professional guardian but who is exempt pursuant to NRS 159.0595 or 628B.110 or section 45 of this act from the requirement to have a license issued pursuant to chapter 628B of NRS.*

3. *The term does not include:*

(a) *A governmental agency.*

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

Sec. 10. *“Proposed protected minor” means any minor for whom proceedings for the appointment of a guardian have been initiated in this State or, if the context so requires, for whom similar proceedings have been initiated in another state.*

Sec. 11. *“Protected minor” means any minor for whom a guardian has been appointed.*

Sec. 12. *“Secured residential long-term care facility” has the meaning ascribed to it in NRS 159.0255.*

Sec. 13. *“State” has the meaning ascribed to it in NRS 159.0265.*

Sec. 14. *“Ward” means any person for whom a guardian has been appointed.*

Sec. 15. *As used in this chapter, unless the context otherwise requires, when the term “writing” or “written” is used in reference to a will or instrument, the term includes an electronic will as defined in NRS 132.119 and an electronic trust as defined in NRS 163.0015.*

Sec. 16. *Except as otherwise provided in this chapter, the provisions of this chapter do not apply to guardians ad litem.*

Sec. 17. 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 any petition filed in the guardianship proceeding to:*

(a) *Any protected minor who is 14 years of age or older.*

(b) *The parent or legal guardian of any protected minor who is less than 14 years of age.*

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

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

(e) *The guardian, if the petitioner is not the guardian.*

(f) *Any person or care provider who is providing care for the protected minor, except that if the person or care provider is not*



1 *related to the protected minor, such person or care provider must*
2 *not receive copies of any inventory or accounting.*

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

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

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

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

14 *(b) By personal service; or*

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

17 *3. Except as otherwise provided in this subsection, if none of*
18 *the persons entitled to notice of a hearing on a petition pursuant to*
19 *this section can, after due diligence, be served by certified mail or*
20 *personal service and this fact is proven by affidavit to the*
21 *satisfaction of the court, service of the notice must be made by*
22 *publication in the manner provided by N.R.C.P. 4(e). In all such*
23 *cases, the notice must be published not later than 10 days before*
24 *the date set for the hearing. If, after the appointment of a*
25 *guardian, a search for relatives of the protected minor listed in*
26 *paragraph (c) of subsection 1 fails to find any such relative, the*
27 *court may waive the notice by publication required by this*
28 *subsection.*

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

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

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

37 **Sec. 18.** *If publication of a notice or citation is required*
38 *pursuant to this chapter, the court may, for good cause shown:*

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

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

43 **Sec. 19.** *If a petition, notice, objection, consent, waiver or*
44 *other paper may be filed, a true and correct facsimile of it may be*



1 *filed, if the original is filed within a reasonable time or at such*
2 *time prescribed by the court.*

3 **Sec. 20.** *All notices required to be given by this chapter may*
4 *be given by the clerk of the court without an order from the court,*
5 *and when so given, for the time and in the manner required by*
6 *law, they are legal and valid as though made upon an order from*
7 *the court. If use of a citation is authorized or required by statute,*
8 *the citation may be issued by the clerk of the court on the request*
9 *of a party or the party's attorney without a court order, unless an*
10 *order is expressly required by statute.*

11 **Sec. 21.** *1. The venue for the appointment of a guardian*
12 *when the proposed protected minor's home state is this State must*
13 *be the county where the proposed protected minor resides.*

14 *2. If the proper venue may be in two or more counties, the*
15 *county in which the proceeding is first commenced is the proper*
16 *county in which to continue the proceedings.*

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

20 **Sec. 22.** *1. If proceedings for the appointment of a*
21 *guardian for the same proposed protected minor are commenced*
22 *in more than one county in this State, and the proposed protected*
23 *minor's home state is this State, the proceedings must be stayed,*
24 *except in the county where first commenced, until final*
25 *determination of venue in that county. If the proper venue is*
26 *finally determined to be in another county, the court shall cause a*
27 *transcript of the proceedings and all original papers filed therein,*
28 *all certified by the clerk of the court, to be sent to the clerk of the*
29 *court of the proper county.*

30 *2. A proceeding is considered commenced by the filing of a*
31 *petition.*

32 *3. The proceedings first legally commenced for the*
33 *appointment of a guardian of the estate or of the person and estate*
34 *extend to all the property of the proposed protected minor which is*
35 *in this State.*

36 **Sec. 23.** *A court having before it any guardianship matter for*
37 *a minor whose home state is this State may transfer the matter to*
38 *another county in the interest of the minor or, if not contrary to*
39 *the interest of the minor, for the convenience of the guardian. A*
40 *petition for the transfer, setting forth the reasons therefor, may be*
41 *filed in the guardianship proceeding. If the court is satisfied that*
42 *the transfer is in the interest of the minor or, if not contrary to*
43 *the interest of the minor, for the convenience of the guardian, the*
44 *court shall make an order of transfer and cause a transcript of the*
45 *proceedings in the matter, all original papers filed in such*



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

8 **Sec. 24.** 1. *All petitions filed in a guardianship proceeding*
9 *pursuant to this chapter must bear the title of the court and cause.*

10 2. *The caption of all petitions and other documents filed in a*
11 *guardianship proceeding pursuant to this chapter must read, "In*
12 *The Matter of the Guardianship of (the person, the*
13 *estate, or the person and estate), (the legal name of the*
14 *person), minor."*

15 **Sec. 25.** 1. *Except as otherwise provided in NRS 127.045, a*
16 *proposed protected minor, a governmental agency, a nonprofit*
17 *corporation or any interested person may petition the court for the*
18 *appointment of a guardian.*

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

21 (a) *The name and address of the petitioner.*

22 (b) *The name, date of birth and current address of the*
23 *proposed protected minor.*

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

29 (1) *A social security number;*

30 (2) *A birth certificate;*

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

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

33 (5) *A valid passport number.*

34 ➡ *If the information required pursuant to this paragraph is not*
35 *included with the petition, the information must be provided to the*
36 *court not later than 120 days after the appointment of a guardian*
37 *or as otherwise ordered by the court.*

38 (d) *The date on which the proposed protected minor will attain*
39 *the age of majority and:*

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

42 (2) *Whether the petitioner anticipates that the proposed*
43 *protected minor will need guardianship after attaining the age of*
44 *majority.*



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

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

6 (g) The name, date of birth and current address of the
7 proposed guardian. If the proposed guardian is a private
8 professional guardian, the petition must include proof that
9 the guardian meets the requirements of section 45 of this act. If
10 the proposed guardian is not a private professional guardian, the
11 petition must include a statement that the guardian currently is
12 not receiving compensation for services as a guardian to more
13 than one ward who is not related to the person by blood or
14 marriage.

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

20 (1) A social security number;

21 (2) A birth certificate;

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

23 (4) A valid identification card number; or

24 (5) A valid passport number.

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

29 (j) A summary of the reasons why a guardian is needed and
30 any available documentation demonstrating the need for a
31 guardianship, including, without limitation, any orders or other
32 information from a court concerning the custody of the proposed
33 protected minor.

34 (k) A general description and the probable value of the
35 property of the proposed protected minor and any income to which
36 the proposed protected minor is or will be entitled, if the petition is
37 for the appointment of a guardian of the estate.

38 (l) The name and address of any person or care provider
39 having the care, custody or control of the proposed protected
40 minor.

41 (m) If a petitioner is not a parent of the proposed protected
42 minor, a declaration explaining the relationship of the petitioner
43 to the proposed protected minor or to the proposed protected
44 minor's parents and the interest, if any, of that petitioner in the
45 appointment.



(n) Requests for any of the specific powers set forth in sections 117 to 126, inclusive, of this act necessary to enable the guardian to carry out the duties of the guardianship.

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

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

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

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

Sec. 26. 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 protected minor or proposed protected minor as a guardian ad litem; and

(b) The guardian ad litem must represent the protected minor or proposed protected minor 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 protected minor or proposed protected minor. 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 protected minor or proposed protected minor all or part of the expenses associated with the appointment of the guardian ad litem.

Sec. 27. 1. The court may appoint an advocate for the best interests of a protected minor or proposed protected minor who is the subject of guardianship proceedings conducted pursuant to this chapter if the court believes that the minor could benefit from that appointment.

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

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

(b) No volunteer is available to serve as an advocate; or



(c) Extraordinary circumstances exist in which an attorney may assist the court as an advocate.

3. An advocate for the best interests of a protected minor or proposed protected minor who is appointed pursuant to subsection 1:

(a) Is an officer of the court;

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

(c) Shall not offer legal advice;

(d) Is not a party to the case;

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

(f) Shall provide information to the court in accordance with applicable court rule.

Sec. 28. 1. Upon filing of the petition, or any time thereafter, the court may appoint one or more investigators to:

(a) Locate persons who perform services needed by the proposed protected minor and other public and private resources available to the proposed protected minor.

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

(c) Investigate allegations or claims which affect a proposed protected minor.

(d) Investigate the suitability of a proposed guardian to provide for the basic needs of a proposed protected minor, including, without limitation, food, clothing, shelter, medical care and education.

(e) Locate relatives of the proposed protected minor who are within the second degree of consanguinity.

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.

3. An investigator shall file with the court and parties a report concerning the scope of the appointment of the guardian and any special powers which a guardian would need to assist the proposed protected minor.

4. An investigator who is appointed pursuant to this section is entitled to reasonable compensation from the estate of the proposed protected minor. 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 protected minor all or part of the expenses associated with the investigation.

Sec. 29. 1. Except as otherwise provided in sections 30, 35, 36 and 37 of this act, upon the filing of a petition under section 25 of this act, the clerk shall issue a citation setting forth a time and



1 *place for the hearing and directing the persons or care provider*
2 *referred to in subsection 2 to appear and show cause why a*
3 *guardian should not be appointed for the proposed protected*
4 *minor.*

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

6 *(a) A proposed protected minor who is 14 years of age or*
7 *older;*

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

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

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

12 *(c) The parents and custodian of the proposed protected*
13 *minor;*

14 *(d) Any person or officer of a care provider having the care,*
15 *custody or control of the proposed protected minor;*

16 *(e) The proposed guardian, if the petitioner is not the proposed*
17 *guardian; and*

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

21 **Sec. 30.** *1. A copy of the citation issued pursuant to section*
22 *29 of this act must be served by:*

23 *(a) Certified mail, with a return receipt requested, on each*
24 *person required to be served pursuant to section 29 of this act at*
25 *least 20 days before the hearing; or*

26 *(b) Personal service in the manner provided pursuant to*
27 *N.R.C.P. 4(d) at least 10 days before the date set for the hearing*
28 *on each person required to be served pursuant to section 29 of this*
29 *act.*

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

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

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

41 *(a) The citation has been served by certified mail, with a return*
42 *receipt requested, or by personal service on the proposed protected*
43 *minor, care provider or public guardian required to be served*
44 *pursuant to section 29 of this act; and*



(b) *At least one relative of the proposed protected minor who is required to be served pursuant to section 29 of this act 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 protected minor has not received notice that is sufficient, the court will require the citation to be published pursuant to subsection 2.*

Sec. 31. *The citation issued pursuant to section 29 of this act must state that:*

1. *A guardian may be appointed for the proposed protected minor;*

2. *The rights of the proposed protected minor and of any person having legal or physical custody of the proposed protected minor may be affected as specified in the petition;*

3. *The proposed protected minor has the right to appear at the hearing and to oppose the petition;*

4. *The proposed protected minor has the right to be represented by an attorney; and*

5. *At any time during proceedings on the citation, the court may appoint for the proposed protected minor:*

(a) *An attorney.*

(b) *A guardian ad litem pursuant to section 26 of this act.*

(c) *An advocate for the best interests of the proposed protected minor pursuant to section 27 of this act.*

Sec. 32. *A protected minor or proposed protected minor who is the subject of proceedings held pursuant to this chapter may be represented by an attorney at all stages of the proceedings. If the protected minor or proposed protected minor is represented by an attorney, the attorney has the same authority and rights as an attorney representing a party to the proceedings.*

Sec. 33. 1. *A court may find that a petitioner is a vexatious litigant if a person, other than the protected minor:*

(a) *Files a petition which is without merit or intended to harass or annoy the guardian; and*

(b) *Has previously filed pleadings in a guardianship proceeding that were without merit or intended to harass or annoy the guardian.*

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



1 **Sec. 34.** *Any court of competent jurisdiction may appoint:*

2 1. *Guardians of the person, of the estate, or of the person and*
3 *estate for minors whose home state is this State.*

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

8 3. *Guardians of the estate for nonresident minors who have*
9 *property within this State.*

10 4. *Guardians ad litem.*

11 **Sec. 35.** *The court may, without issuing a citation, appoint a*
12 *guardian for the proposed protected minor if the petitioner is a*
13 *parent who has sole legal and physical custody of the proposed*
14 *protected minor as evidenced by a valid court order or birth*
15 *certificate and who is seeking the appointment of a guardian for*
16 *the minor child of the parent. If the proposed protected minor is a*
17 *minor who is 14 years of age or older:*

18 1. *The petition must be accompanied by the written consent*
19 *of the minor to the appointment of the guardian; or*

20 2. *The minor must consent to the appointment of the*
21 *guardian in open court.*

22 **Sec. 36.** 1. *A petitioner may request the court to appoint a*
23 *temporary guardian for a proposed protected minor who is in need*
24 *of immediate medical attention which he or she cannot obtain*
25 *without the appointment of a temporary guardian. To support the*
26 *request, the petitioner must set forth in a petition and present to*
27 *the court under oath:*

28 (a) *Documentation which shows that the proposed protected*
29 *minor needs immediate medical attention and, without the*
30 *appointment of a temporary guardian, cannot obtain that medical*
31 *attention. Such documentation must include, without limitation, a*
32 *copy of the birth certificate of the proposed protected minor or*
33 *other documentation verifying the age of the proposed protected*
34 *minor.*

35 (b) *Facts which show that:*

36 (1) *The petitioner has tried in good faith to notify the*
37 *persons entitled to notice pursuant to section 29 of this act by*
38 *telephone or in writing before the filing of the petition;*

39 (2) *The proposed protected minor would be exposed to an*
40 *immediate risk of physical harm if the petitioner were to provide*
41 *notice to the persons entitled to notice pursuant to section 29 of*
42 *this act before the court determines whether to appoint a*
43 *temporary guardian; or*

44 (3) *Giving notice to the persons entitled to notice pursuant*
45 *to section 29 of this act is not feasible under the circumstances.*



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

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

7 (b) *Is satisfied that the petitioner has tried in good faith to*
8 *notify the persons entitled to notice pursuant to section 29 of this*
9 *act or that giving notice to those persons is not feasible under the*
10 *circumstances, or determines that such notice is not required*
11 *pursuant to subparagraph (2) of paragraph (b) of subsection 1.*

12 3. *Except as otherwise provided in subsection 4, after the*
13 *appointment of a temporary guardian, the petitioner shall attempt*
14 *in good faith to notify the persons entitled to notice pursuant to*
15 *section 29 of this act, including, without limitation, notice of any*
16 *hearing to extend the temporary guardianship. If the petitioner*
17 *fails to make such an effort, the court may terminate the*
18 *temporary guardianship.*

19 4. *If, before the appointment of a temporary guardian, the*
20 *court was satisfied that giving notice to the persons entitled to*
21 *notice pursuant to section 29 of this act was not feasible under the*
22 *circumstances or determined that such notice was not required*
23 *pursuant to subparagraph (2) of paragraph (b) of subsection 1, the*
24 *petitioner shall notify the persons entitled to notice pursuant to*
25 *section 29 of this act without undue delay, but not later than 48*
26 *hours after the appointment of the temporary guardian or not later*
27 *than 48 hours after the petitioner discovers the existence, identity*
28 *and location of the persons entitled to notice pursuant to that*
29 *section. If the petitioner fails to provide such notice, the court may*
30 *terminate the temporary guardianship.*

31 5. *Not later than 10 days after the date of the appointment of*
32 *a temporary guardian pursuant to subsection 2, the court shall*
33 *hold a hearing to determine the need to extend the temporary*
34 *guardianship. Except as otherwise provided in subsection 7, if the*
35 *court finds by clear and convincing evidence that the protected*
36 *minor continues to be in need of immediate medical attention*
37 *which he or she cannot obtain without the extension of the*
38 *temporary guardianship, the court may, pursuant to subsection 8,*
39 *extend the temporary guardianship until a general guardian is*
40 *appointed.*

41 6. *If the court appoints a temporary guardian or extends a*
42 *temporary guardianship pursuant to this section, the court shall*
43 *limit the powers of the temporary guardian to those necessary to*
44 *respond to the 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 section 30 of this act have been satisfied; or

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

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

Sec. 37. 1. A petitioner may request that the court appoint a temporary guardian for the person or the estate, or both, of a proposed protected minor by filing a verified petition.

2. The petition must state facts which establish good cause for the appointment of a temporary guardian and which show that:

(a) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to section 29 of this act by telephone or in writing before the filing of the petition;

(b) The proposed protected minor would be exposed to an immediate risk of physical, emotional or financial harm if the petitioner were to provide notice to the persons entitled to notice pursuant to section 29 of this act before the court determines whether to appoint a temporary guardian; or

(c) Giving notice to the persons entitled to notice pursuant to section 29 of this act is not feasible under the circumstances.

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

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

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

6. Except as otherwise provided in subsection 7, after the appointment of a temporary guardian, the petitioner shall attempt in good faith to notify the persons entitled to notice pursuant to section 29 of this act, 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.



7. If, before the appointment of a temporary guardian, the court was satisfied that giving notice to the persons entitled to notice pursuant to section 29 of this act was not feasible under the circumstances or determined that such notice was not required pursuant to paragraph (b) or (c) of subsection 2, the petitioner shall notify the persons entitled to notice pursuant to section 29 of this act without undue delay, but not later than 48 hours after the appointment of the temporary guardian or not later than 48 hours after 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.

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

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

(a) The provisions of section 30 of this act have been satisfied; or

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

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

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

Sec. 38. 1. A proposed protected minor who is found in this State must attend the hearing for the appointment of a guardian unless:

(a) A certificate signed by a physician or psychiatrist who is licensed to practice in this State specifically states the condition of the proposed protected minor, the reasons why the proposed protected minor is unable to appear in court and whether the proposed protected minor's attendance at the hearing would be



1 *detrimental to the physical or mental health of the proposed*
2 *protected minor; or*

3 *(b) A certificate signed by any other person the court finds*
4 *qualified to execute a certificate states the condition of the*
5 *proposed protected minor, the reasons why the proposed protected*
6 *minor is unable to appear in court and whether the proposed*
7 *protected minor's attendance at the hearing would be detrimental*
8 *to the physical or mental health of the proposed protected minor.*

9 *2. A proposed protected minor found in this State who cannot*
10 *attend the hearing for the appointment of a guardian as set forth*
11 *in a certificate pursuant to subsection 1 may appear by*
12 *videoconference.*

13 *3. The court may prescribe the form in which a certificate*
14 *required by this section must be filed. If the certificate consists of*
15 *separate parts, each part must be signed by the person who is*
16 *required to sign the certificate.*

17 *4. If the proposed protected minor is not in this State, the*
18 *proposed protected minor must attend the hearing only if the court*
19 *determines that the attendance of the proposed protected minor is*
20 *necessary in the interests of justice.*

21 **Sec. 39.** *1. If the court finds the proposed protected minor*
22 *not in need of a guardian, the court shall dismiss the petition.*

23 *2. If the court finds that appointment of a guardian is*
24 *required, the court shall appoint a guardian of the proposed*
25 *protected minor's person, estate, or person and estate.*

26 **Sec. 40.** *1. The petitioner has the burden of proving by*
27 *clear and convincing evidence that the appointment of a guardian*
28 *of the person, of the estate, or of the person and estate is*
29 *necessary.*

30 *2. If it appears to the court that the allegations of the petition*
31 *are sufficient and that a guardian should be appointed for the*
32 *proposed protected minor, the court shall enter an order*
33 *appointing a guardian. The order must:*

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

36 *(b) Specify whether the proposed protected minor is a resident*
37 *or nonresident of this State;*

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

40 *(d) Designate the names and addresses, so far as may be*
41 *determined, of:*

42 *(1) The relatives of the proposed protected minor upon*
43 *whom notice must be served pursuant to section 29 of this act; and*

44 *(2) Any other interested person.*

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



1 (a) *The relatives of the proposed protected minor upon whom*
2 *notice must be served pursuant to section 29 of this act; and*

3 (b) *Any other interested person.*

4 Sec. 41. *If a court order is in effect for payment for the*
5 *support of a proposed protected minor, upon entry of an order*
6 *appointing a guardian for the minor, the court shall order the*
7 *assignment of the payment to the guardian for the support of that*
8 *minor.*

9 Sec. 42. *In an order appointing a guardian or in any order*
10 *thereafter, the court may award rights of visitation between a*
11 *protected minor and his or her parents or relatives who are within*
12 *the fourth degree of consanguinity.*

13 Sec. 43. 1. *Where the appointment of a guardian is sought*
14 *for two or more proposed protected minors who are children of a*
15 *common parent, parent and child or husband and wife, it is not*
16 *necessary that separate petitions, bonds and other papers be filed*
17 *with respect to each proposed protected minor or protected minors.*

18 2. *If a guardian is appointed for such proposed protected*
19 *minors, the guardian:*

20 (a) *Shall keep separate accounts of the estate of each protected*
21 *minor;*

22 (b) *May make investments for each protected minor;*

23 (c) *May compromise and settle claims against one or more*
24 *protected minors; and*

25 (d) *May sell, lease, mortgage or otherwise manage the property*
26 *of one or more protected minors.*

27 3. *The guardianship may be terminated with respect to less*
28 *than all the protected minors in the same manner as provided by*
29 *law with respect to a guardianship of a single protected minor.*

30 Sec. 44. *As a condition of the appointment of a guardian, the*
31 *court may require the guardian to complete any available training*
32 *concerning guardianships that the court determines appropriate.*

33 Sec. 45. 1. *In order for a person to serve as a private*
34 *professional guardian, the person must be:*

35 (a) *Qualified to serve as a guardian pursuant to section 46 of*
36 *this act; and*

37 (b) *A guardian who has a license issued pursuant to chapter*
38 *628B of NRS or a certified guardian who is not required to have*
39 *such a license pursuant to subsection 3.*

40 2. *In order for an entity to serve as a private professional*
41 *guardian, the entity must:*

42 (a) *Have a license issued pursuant to chapter 628B of NRS*
43 *unless the entity is not required to have such a license pursuant to*
44 *subsection 3; and*



(b) Have a guardian who has a license issued pursuant to chapter 628B of NRS or a certified guardian who is not required to have such a license pursuant to subsection 3 involved in the day-to-day operation or management of the entity.

3. For a person or entity to serve as a private professional guardian, the person or entity is not required to have a license issued pursuant to chapter 628B of NRS if the person or entity is exempt from the requirement to have such a license pursuant to NRS 628B.110 and the person or entity:

(a) Is a banking corporation as defined in NRS 657.016;

(b) Is an organization permitted to act as a fiduciary pursuant to NRS 662.245;

(c) Is a trust company as defined in NRS 669.070;

(d) Is acting in the performance of his or her duties as an attorney at law;

(e) Acts as a trustee under a deed of trust; or

(f) Acts as a fiduciary under a court trust.

4. As used in this section:

(a) "Certified guardian" means a person who is certified by the Center for Guardianship Certification or any successor organization.

(b) "Entity" includes, without limitation, a corporation, whether or not for profit, a limited-liability company and a partnership.

(c) "Person" means a natural person.

Sec. 46. 1. The parents of a proposed protected minor, or either parent, if qualified and suitable, are preferred over all others for appointment as guardian for the person or estate or person and estate of the proposed protected minor. The appointment of a parent as guardian for the person or estate of a proposed protected minor must not conflict with a valid order for custody of the proposed protected minor.

2. Except as otherwise provided in subsection 4, if a parent of a proposed protected minor files a petition seeking appointment as guardian for the proposed protected minor, the parent is presumed to be suitable to serve as guardian for the proposed protected minor.

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

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



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

6 (c) *Whether the parents, parent or other person has engaged*
7 *in the habitual use of alcohol or any controlled substance during*
8 *the previous 6 months, except the use of marijuana in accordance*
9 *with the provisions of chapter 453A of NRS;*

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

15 (e) *Whether the parents, parent or other person has been*
16 *convicted in this State or any other jurisdiction of a felony; and*

17 (f) *Whether the parents, parent or other person has engaged in*
18 *one or more acts of domestic violence against the proposed*
19 *protected minor, a parent of the proposed protected minor or any*
20 *other person who resides with the proposed protected minor.*

21 4. *A parent of a proposed protected minor is presumed to be*
22 *unsuitable to care for the proposed protected minor if:*

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

26 (1) *Food;*

27 (2) *Shelter;*

28 (3) *Clothing;*

29 (4) *Medical care; and*

30 (5) *Education;*

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

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

38 5. *Subject to the preference set forth in subsection 1 and*
39 *except as otherwise provided in subsection 7, the court shall*
40 *appoint as guardian the qualified person who is most suitable and*
41 *is willing to serve.*

42 6. *In determining which qualified person is most suitable, the*
43 *court shall, in addition to considering any applicable factors set*
44 *forth in subsections 2, 3 and 4, give consideration, among other*
45 *factors, to:*



1 (a) Any nomination of a guardian for the proposed protected
2 minor contained in a will or other written instrument executed by
3 a parent of the proposed protected minor.

4 (b) Any request made by the proposed protected minor, if he or
5 she is 14 years of age or older, for the appointment of a person as
6 guardian for the proposed protected minor.

7 (c) The relationship by blood or adoption of the proposed
8 guardian to the proposed protected minor. In considering
9 preferences of appointment, the court may consider relatives of the
10 half blood equally with those of the whole blood. The court may
11 consider relatives in the following order of preference:

12 (1) Parent.

13 (2) Adult sibling.

14 (3) Grandparent.

15 (4) Uncle or aunt.

16 (d) Any recommendation made by a master of the court or
17 special master pursuant to section 47 of this act.

18 (e) Any recommendation made by:

19 (1) An agency which provides child welfare services, an
20 agency which provides child protective services or a similar
21 agency; or

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

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

26 7. The court may award temporary guardianship pursuant to
27 this section, supported by findings of suitability, pending a trial or
28 evidentiary hearing if that appointment is supported by findings.

29 8. Notwithstanding the presumption set forth in subsection 4,
30 in the event of competing petitions for the appointment of
31 guardianship of a proposed protected minor, any finding of
32 unsuitability of a parent of the proposed protected minor must be
33 found by clear and convincing evidence after a hearing on the
34 merits or an evidentiary hearing.

35 9. In determining whether to appoint a guardian of the
36 person or estate of a proposed protected minor and who should be
37 appointed, the court must always act in the best interests of the
38 proposed protected minor.

39 10. As used in this section, "agency which provides child
40 welfare services" has the meaning ascribed to it in NRS 432B.030.

41 Sec. 47. 1. If the court determines that a minor may be in
42 need of a guardian, the court may order the appointment of a
43 master of the court or a special master from among the members
44 of the State Bar of Nevada to conduct a hearing to identify the



1 *person most qualified and suitable to serve as guardian for the*
2 *proposed protected minor.*

3 *2. Not later than 5 calendar days after the date of the*
4 *hearing, the master of the court or special master shall prepare*
5 *and submit to the court a recommendation regarding which*
6 *person is most qualified and suitable to serve as guardian for the*
7 *proposed protected minor.*

8 **Sec. 48.** *If the court or a master of the court or special*
9 *master appointed pursuant to section 47 of this act finds that a*
10 *parent or other relative, teacher, friend or neighbor of a proposed*
11 *protected minor or any other interested person:*

12 *1. Has a personal interest in the well-being of the proposed*
13 *protected minor; or*

14 *2. Possesses information that is relevant to the determination*
15 *of who should serve as guardian for the proposed protected minor,*
16 *↳ the court or a master of the court or special master appointed*
17 *pursuant to section 47 of this act may allow the person to testify at*
18 *any hearing held pursuant to this chapter to determine the person*
19 *most qualified and suitable to serve as guardian for the proposed*
20 *protected minor.*

21 **Sec. 49.** *A parent of a minor may by will nominate a*
22 *guardian. The person nominated must file a petition and obtain an*
23 *appointment from the court before exercising the powers of a*
24 *guardian.*

25 **Sec. 50.** *1. Except as otherwise provided by law, every*
26 *guardian shall, before entering upon his or her duties as*
27 *guardian, execute and file in the guardianship proceeding a bond,*
28 *with sufficient surety or sureties, in such amount as the court*
29 *determines necessary for the protection of the protected minor and*
30 *the estate of the protected minor, and conditioned upon the*
31 *faithful discharge by the guardian of his or her authority and*
32 *duties according to law. The bond must be approved by the clerk.*
33 *Sureties must be jointly and severally liable with the guardian and*
34 *with each other.*

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

39 *3. Joint guardians may unite in a bond to the protected minor*
40 *or protected minors, or each may give a separate bond.*

41 *4. If there are no assets of the protected minor, no bond is*
42 *required of the guardian.*

43 *5. If a person has been nominated to be guardian in a will,*
44 *power of attorney or other written instrument that has been*
45 *acknowledged before two disinterested witnesses or acknowledged*



1 *before a notary public and the will, power of attorney or other*
2 *written instrument provides that no bond is to be required of the*
3 *guardian, the court may direct letters of guardianship to issue to*
4 *the guardian after the guardian:*

5 *(a) Takes and subscribes the oath of office; and*

6 *(b) Files the appropriate documents which contain the full*
7 *legal name and address of the guardian.*

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

14 **Sec. 51.** *1. The court may at any time, for good cause and*
15 *after notice to the guardian, increase or decrease the amount of*
16 *the bond required of a guardian.*

17 *2. The court may at any time, if the bond or the sureties are*
18 *determined to be insufficient or for other good cause, require a*
19 *guardian to execute and file a new or additional bond. The court*
20 *may exonerate the sureties on a former bond from any liabilities*
21 *thereunder arising from the acts or omissions of their principal*
22 *after such exoneration.*

23 **Sec. 52.** *Every bond given by a guardian must be filed and*
24 *preserved in the office of the clerk of the district court of the*
25 *county in which the guardianship proceeding is conducted. In*
26 *case of the breach of any condition of such bond, an action may*
27 *be maintained in behalf of the protected minor or protected minors*
28 *jointly if all are interested, or of any person interested in the*
29 *estate, and such bond is not void on the first recovery. If the action*
30 *on the bond is in behalf of one protected minor on a bond given to*
31 *more than one protected minor, the other protected minors*
32 *mentioned in the bond need not be united in or made parties to*
33 *such action.*

34 **Sec. 53.** *No action may be maintained against the sureties on*
35 *any bond given by a guardian unless it is commenced within 3*
36 *years after the time the guardian is discharged, unless at the time*
37 *of such discharge the person entitled to bring the action is under*
38 *any legal disability to sue, in which case the action may be*
39 *brought at any time within 3 years after the disability is removed.*

40 **Sec. 54.** *1. Every guardian, before entering upon his or her*
41 *duties as guardian and before letters of guardianship may issue,*
42 *shall:*

43 *(a) Take and subscribe the official oath which must:*

44 *(1) Be endorsed on the letters of guardianship; and*



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

3 (b) *File in the proceeding the appropriate documents which*
4 *include, without limitation, the full legal name of the guardian*
5 *and the residence and post office addresses of the guardian.*

6 (c) *Except as otherwise provided in subsection 2, make and file*
7 *in the proceeding a verified acknowledgment of the duties and*
8 *responsibilities of a guardian. The acknowledgment must set*
9 *forth:*

10 (1) *A summary of the duties, functions and responsibilities*
11 *of a guardian, including, without limitation, the duty to:*

12 (I) *Act in the best interest of the protected minor at all*
13 *times.*

14 (II) *Provide the protected minor with medical, surgical,*
15 *dental, psychiatric, psychological, hygienic or other care and*
16 *treatment as needed, with adequate food and clothing and with*
17 *safe and appropriate housing.*

18 (III) *Protect, preserve and manage the income, assets*
19 *and estate of the protected minor and utilize the income, assets*
20 *and estate of the protected minor solely for the benefit of the*
21 *protected minor.*

22 (IV) *Maintain the assets of the protected minor in the*
23 *name of the protected minor or the name of the guardianship. The*
24 *assets of the protected minor must not be commingled with the*
25 *assets of any third party.*

26 (V) *Notify the court, all interested parties, the trustee,*
27 *and named executor or appointed personal representative of the*
28 *estate of the protected minor of the death of the protected minor*
29 *within 30 days after the death.*

30 (2) *A summary of the statutes, regulations, rules and*
31 *standards governing the duties of a guardian.*

32 (3) *A list of actions regarding the protected minor that*
33 *require the prior approval of the court.*

34 (4) *A statement of the need for accurate recordkeeping and*
35 *the filing of annual reports with the court regarding the finances*
36 *and well-being of the protected minor.*

37 2. *The court may exempt a public guardian or private*
38 *professional guardian from filing an acknowledgment in each*
39 *case and, in lieu thereof, require the public guardian or private*
40 *professional guardian to file a general acknowledgment covering*
41 *all guardianships to which the guardian may be appointed by the*
42 *court.*

43 **Sec. 55. 1.** *A copy of the order appointing the guardian*
44 *must be served personally or by mail upon the protected minor not*
45 *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 protected minor's attorney, if any, and the investigator.

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

Sec. 56. *When a guardian has taken the official oath and filed a bond as provided in this chapter, the court shall order letters of guardianship to issue to the guardian. Letters of guardianship may be in the following form:*

State of Nevada }
 } ss.
County of..... }

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) for (name of protected minor), a
 minor, 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) for the named
 protected minor as provided by law.

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

Clerk

(SEAL)

Deputy Clerk

Sec. 57. *If, at the time of the appointment of the guardian or thereafter, the estate of a protected minor consists of personal property having a value not exceeding by more than \$10,000 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*



1 *the proceeding proper receipts or other evidence satisfactory to the*
2 *court showing the delivery, and the guardian is released from his*
3 *or her trust and the bond of the guardian is exonerated.*

4 **Sec. 58.** 1. *The court may grant a summary administration*
5 *if, at any time, it appears to the court that after payment of all*
6 *claims and expenses of the guardianship the value of the protected*
7 *minor's property does not exceed \$10,000.*

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

10 (a) *Authorize the guardian of the estate who is authorized to*
11 *manage the protected minor's property to convert the property to*
12 *cash and sell any of the property, with or without notice, as the*
13 *court may direct. After the payment of all claims and the expenses*
14 *of the guardianship, the guardian shall deposit the money in*
15 *savings accounts or invest the money as provided in section 84 of*
16 *this act, and hold the investment and all interest, issues, dividends*
17 *and profits for the benefit of the protected minor. The court may*
18 *dispense with annual accountings and all other proceedings*
19 *required by this chapter.*

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

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

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

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

32 (b) *The guardian shall file annual accountings; and*

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

34 **Sec. 59.** *A guardian of the person and estate has the*
35 *authority and shall perform the duties as provided by law for a*
36 *guardian of the person and a guardian of the estate.*

37 **Sec. 60.** 1. *Before taking any of the following actions, the*
38 *guardian shall petition the court for an order authorizing the*
39 *guardian to:*

40 (a) *Except as otherwise provided in this paragraph, make or*
41 *change the designation of a beneficiary in a will, trust, insurance*
42 *policy, bank account or any other type of asset of the protected*
43 *minor which includes the designation of a beneficiary. The*
44 *guardian is not required to petition the court for an order*
45 *authorizing the guardian to utilize an asset which has a designated*



1 *beneficiary, including the closure or discontinuance of the asset,*
2 *for the benefit of a protected minor if:*

3 *(1) The asset is the only liquid asset available with which to*
4 *pay for the proper care, maintenance, education and support of*
5 *the protected minor;*

6 *(2) The asset, or the aggregate amount of all the assets if*
7 *there is more than one type of asset, has a value that does not*
8 *exceed \$5,000; or*

9 *(3) The asset is a bank account, investment fund or*
10 *insurance policy and is required to be closed or discontinued in*
11 *order for the protected minor to qualify for a federal program of*
12 *public assistance.*

13 *(b) Create for the benefit of the protected minor or others a*
14 *revocable or irrevocable trust of the property of the estate.*

15 *(c) Except as otherwise provided in this paragraph, exercise*
16 *the right of the protected minor to revoke or modify a revocable*
17 *trust or to surrender the right to revoke or modify a revocable*
18 *trust. The court shall not authorize or require the guardian to*
19 *exercise the right to revoke or modify a revocable trust if the*
20 *instrument governing the trust:*

21 *(1) Evidences an intent of the protected minor to reserve*
22 *the right of revocation or modification exclusively to the protected*
23 *minor;*

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

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

29 *2. Any other interested person may also petition the court for*
30 *an order authorizing or directing the guardian to take any action*
31 *described in subsection 1.*

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

36 *(a) A reasonably prudent person or the protected minor would*
37 *take the proposed action and that a person has committed or is*
38 *about to commit any act, practice or course of conduct which*
39 *operates or would operate as a fraud or act of exploitation upon*
40 *the protected minor or estate of the protected minor and that*
41 *person:*

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

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



(b) *The proposed action is otherwise in the best interests of the protected minor for any other reason not listed in this section.*

4. *The petition must contain, to the extent known by the petitioner:*

(a) *The name, date of birth and current address of the protected minor;*

(b) *A concise statement as to the condition of the protected minor's estate; and*

(c) *A concise statement as to the necessity for the proposed action.*

5. *As used in this section:*

(a) *"Exploitation" means any act taken by a person who has the trust and confidence of a protected minor to:*

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

(2) *Convert money, assets or property of the protected minor with the intention of permanently depriving the protected minor of the ownership, use, benefit or possession of the protected minor's 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 protected minor of the protected minor's rights or property or to otherwise injure the protected minor.*

(c) *"Interested person" has the meaning ascribed to it in NRS 132.185 and also includes a named beneficiary under a trust or other instrument if the validity of the trust or other instrument may be in question.*

Sec. 61. 1. *Except as otherwise ordered by the court, a guardian of the person has the care, custody and control of the person of the protected minor, and has the authority and, subject to subsection 2, shall perform the duties necessary for the proper care, maintenance, education and support of the protected minor, including, without limitation, the following:*

(a) *Supplying the protected minor with food, clothing, shelter and all incidental necessities, including locating an appropriate residence for the protected minor.*



1 (b) Authorizing medical, surgical, dental, psychiatric,
2 psychological, hygienic or other remedial care and treatment for
3 the protected minor.

4 (c) Seeing that the protected minor is properly trained and
5 educated and that the protected minor has the opportunity to learn
6 a trade, occupation or profession.

7 2. In the performance of the duties enumerated in subsection
8 1 by a guardian of the person, due regard must be given to
9 the extent of the estate of the protected minor. A guardian of the
10 person may be required to incur expenses on behalf of the
11 protected minor if the estate of the protected minor is insufficient
12 to reimburse the guardian.

13 3. A guardian of the person is the protected minor's personal
14 representative for purposes of the Health Insurance Portability
15 and Accountability Act of 1996, Public Law 104-191, and any
16 applicable regulations. The guardian of the person has authority
17 to obtain information from any government agency, medical
18 provider, business, creditor or third party who may have
19 information pertaining to the protected minor's health care or
20 health insurance.

21 4. Except as otherwise provided in subsection 6, a guardian
22 of the person may establish and change the residence of the
23 protected minor at any place within this State without the
24 permission of the court. The guardian shall select the least
25 restrictive appropriate residence which is available and necessary
26 to meet the needs of the protected minor and which is financially
27 feasible.

28 5. Except as otherwise provided in subsection 6, a guardian
29 of the person shall petition the court for an order authorizing the
30 guardian to change the residence of the protected minor to a
31 location outside of this State. The guardian must show that
32 changing the residence of the protected minor to a location outside
33 of this State is in the best interest of the protected minor or that
34 there is no appropriate residence available for the protected minor
35 in this State. The court shall retain jurisdiction over the
36 guardianship unless the guardian files for termination of
37 the guardianship pursuant to section 143 or 144 of this act or the
38 jurisdiction of the guardianship is transferred to the other state.
39 Not later than 6 months after changing the residence of a
40 protected minor to a location outside of this State, the guardian
41 shall file a petition for guardianship in the state of the protected
42 minor's residence.

43 6. A guardian of the person must file a petition with the court
44 requesting authorization to move a protected minor to or place a
45 protected minor in a secured residential long-term care facility.



7. *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. 62. *1. Except as otherwise provided in subsection 2, a guardian shall not consent to:*

(a) The experimental medical, biomedical or behavioral treatment of a protected minor;

(b) The sterilization of a protected minor; or

(c) The participation of a protected minor in any biomedical or behavioral experiment.

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

3. The court may authorize the guardian to consent to and commence any treatment or experiment described in subsection 1 only if the treatment or experiment:

(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 protected minor; or

(b) Is intended to assist the protected minor to develop or regain the protected minor's abilities.

Sec. 63. *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 protected minor and the exercise of authority and performance of duties by the guardian:*

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

(b) Within 10 days of moving a protected minor to a secured residential long-term care facility; and

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

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

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

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

3. The court may prescribe the form and contents for filing a report described in subsection 1.

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

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



Sec. 64. A guardian of the estate shall:

1. Protect, preserve, manage and dispose of the estate of the protected minor according to law and for the best interests of the protected minor.

2. Apply the estate of the protected minor for the proper care, maintenance, education and support of the protected minor having due regard for other income or property available to support the protected minor.

3. Have such other authority and perform such other duties as are provided by law.

Sec. 65. 1. *Not later than 60 days after the date of the appointment of a guardian of the estate or, if necessary, such further time as the court may allow, the guardian shall make and file in the guardianship proceeding a verified inventory of all of the property of the protected minor which comes to the possession or knowledge of the guardian.*

2. A temporary guardian of the estate 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 section 128 of this act.

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 protected minor which has come into the possession of the guardian;

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

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

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

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

(b) Include the property in the next accounting.

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

6. The court may order all or any part of the property of the protected minor appraised as provided in sections 67 and 155 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:



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

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

6 **Sec. 66.** 1. *Except as otherwise provided in subsection 2,*
7 *the guardian of an estate shall cause an appraisal or valuation of*
8 *any asset of a guardianship estate to be conducted by a*
9 *disinterested appraiser, certified public accountant or expert in*
10 *valuation and file the appraisal or valuation with the court.*

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

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

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

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

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

24 **Sec. 67.** 1. *Before appraising or valuing any asset of the*
25 *guardianship estate, each appraiser, certified public accountant or*
26 *expert in valuation shall certify that the appraiser, accountant or*
27 *expert will truthfully, honestly and impartially appraise or value*
28 *the property according to the best of his or her knowledge and*
29 *ability. The certification must be included in the appraisal or*
30 *valuation and filed with the court.*

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

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

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



1 **Sec. 68. 1.** *Not later than 60 days after the date of the*
2 *appointment of a guardian of the estate, the guardian shall record,*
3 *or cause to be recorded, in the office of the recorder of each*
4 *county in which real property of the protected minor is located, a*
5 *copy, certified by the clerk of the court, of the letters of*
6 *guardianship.*

7 **2.** *The guardian shall attach, or cause to be attached, to the*
8 *copy of the letters of guardianship recorded pursuant to*
9 *subsection 1 a cover sheet containing:*

10 **(a)** *The name, address and telephone number of the guardian;*

11 **(b)** *The assessor's parcel number and the address of the real*
12 *property of the protected minor; and*

13 **(c)** *If the estate of the protected minor includes a*
14 *manufactured home or mobile home, the location and serial*
15 *number of the manufactured home or mobile home.*

16 **3.** *As used in this section:*

17 **(a)** *"Manufactured home" has the meaning ascribed to it in*
18 *NRS 489.113.*

19 **(b)** *"Mobile home" has the meaning ascribed to it in*
20 *NRS 489.120.*

21 **Sec. 69. 1.** *A guardian of the estate shall take possession*
22 *of:*

23 **(a)** *All of the property of substantial value of the protected*
24 *minor;*

25 **(b)** *Rents, income, issues and profits from the property,*
26 *whether accruing before or after the appointment of the guardian;*
27 *and*

28 **(c)** *The proceeds from the sale, mortgage, lease or other*
29 *disposition of the property.*

30 **2.** *The guardian may allow the protected minor to have*
31 *possession and control of the personal property and funds as are*
32 *appropriate to the needs and capacities of the protected minor.*

33 **3.** *The title to all property of the protected minor is in the*
34 *protected minor and not in the guardian.*

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

37 **(a)** *Contract executed by the protected minor;*

38 **(b)** *Revocable or irrevocable trust in which the protected minor*
39 *has a vested interest as a beneficiary; and*

40 **(c)** *Writing evidencing a present or future vested interest in*
41 *any real or intangible property.*

42 **Sec. 70. 1.** *A guardian shall present a copy of the court*
43 *order appointing the guardian and letters of guardianship to a*
44 *bank or other financial institution that holds any account or other*



1 *assets of the protected minor before the guardian may access the*
2 *account or other assets.*

3 2. *The bank or other financial institution shall accept the*
4 *copy of the court order appointing the guardian and letters of*
5 *guardianship as proof of guardianship and allow the guardian*
6 *access to the account or other assets of the protected minor,*
7 *subject to any limitations set forth in the court order.*

8 3. *Unless the bank or other financial institution is a party to*
9 *the guardianship proceeding, the bank or other financial*
10 *institution is not entitled to a copy of any:*

11 (a) *Competency evaluation of the protected minor or any other*
12 *confidential information concerning the medical condition or the*
13 *placement of the protected minor; or*

14 (b) *Inventory or accounting of the estate of the protected*
15 *minor.*

16 **Sec. 71.** 1. *The guardian may retain assets for the*
17 *anticipated expense of the protected minor's funeral and the*
18 *disposal of his or her remains. Of the amount so retained, \$3,000*
19 *is exempt from all claims, including those of this State.*

20 2. *The guardian may place assets so retained in a pooled*
21 *account or trust. If the assets are invested in a savings account or*
22 *other financial account, the assets are not subject to disposition as*
23 *unclaimed property during the lifetime of the protected minor.*

24 3. *Assets so retained may be disbursed for the protected*
25 *minor's funeral or the disposal of his or her remains without prior*
26 *authorization of the court. An amount not so disbursed becomes*
27 *part of the protected minor's estate.*

28 **Sec. 72.** *Upon the filing of a petition in the guardianship*
29 *proceeding by the guardian, the protected minor or any other*
30 *interested person, alleging that any person is indebted to the*
31 *protected minor, has or is suspected of having concealed,*
32 *embezzled, converted or disposed of any property of the protected*
33 *minor or has possession or knowledge of any such property or of*
34 *any writing relating to such property, the court may require the*
35 *person to appear and answer under oath concerning the matter.*

36 **Sec. 73.** 1. *A guardian of the estate:*

37 (a) *Shall demand all debts and other choses in action due to*
38 *the protected minor; and*

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

41 2. *A guardian of the estate, with prior approval of the court*
42 *by order, may compound or compromise any debt or other chose*
43 *in action due to the protected minor and give a release and*
44 *discharge to the debtor or other obligor.*

45 3. *A guardian of the person:*



1 (a) May obtain an order which requires one or both parents of
2 the protected minor to pay the guardian an amount established
3 pursuant to NRS 125B.070 and 125B.080 for the support of the
4 protected minor.

5 (b) Shall give notice to the court of the entry of an order for
6 the payment of the support of the protected minor or the approval
7 of any public assistance for the protected minor not later than 30
8 days after the entry of the order or the approval of public
9 assistance. The guardian shall file a copy of the order of support
10 or document which evidences approval of public assistance with
11 the notice which is filed with the court.

12 **Sec. 74.** 1. A guardian of the estate shall appear for and
13 represent the protected minor in all actions, suits or proceedings to
14 which the protected minor is a party, unless the court finds that
15 the interests of the guardian conflict with the interests of the
16 protected minor or it is otherwise appropriate to appoint a
17 guardian ad litem in the action, suit or proceeding.

18 2. Upon final resolution of the action, suit or proceeding, the
19 guardian of the estate or the guardian ad litem shall notify the
20 court of the outcome of the action, suit or proceeding.

21 3. If the person of the protected minor would be affected by
22 the outcome of any action, suit or proceeding, the guardian of the
23 person, if any, should be joined to represent the protected minor in
24 the action, suit or proceeding.

25 **Sec. 75.** Any contract, except to the extent of the reasonable
26 value of necessities, and any transaction with respect to the
27 property of a protected minor made by the protected minor are
28 voidable by the guardian of the estate.

29 **Sec. 76.** A guardian of the estate is not personally liable on
30 any written or oral contract entered into for or on behalf of the
31 protected minor where the guardian is acting within his or her
32 authority as such guardian. Any action, suit or proceeding on any
33 such contract must be brought against the guardian in his or her
34 fiduciary capacity only, and any judgment or decree obtained in
35 such action, suit or proceeding must be satisfied only from
36 property of the protected minor.

37 **Sec. 77.** A guardian of the estate shall pay from the
38 guardianship estate pursuant to sections 78, 79 and 80 of this act
39 all just claims against the protected minor, the estate or the
40 guardian as such, whether accruing before or after the
41 appointment of the guardian and whether arising in contract, in
42 tort or otherwise.

43 **Sec. 78.** 1. Other than claims for attorney's fees that are
44 subject to the provisions of subsection 3, a guardian of the estate
45 may pay from the guardianship estate the following claims without



1 *complying with the provisions of this section and sections 79 and*
2 *80 of this act:*

3 *(a) The guardian's claims against the protected minor or the*
4 *estate; and*

5 *(b) Any claims accruing after the appointment of the guardian*
6 *which arise from contracts entered into by the guardian on behalf*
7 *of the protected minor.*

8 *2. The guardian shall report all claims and the payment of*
9 *claims made pursuant to subsection 1 in the account that the*
10 *guardian makes and files in the guardianship proceeding*
11 *following each payment.*

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

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

17 *(b) May not be paid from the guardianship estate unless the*
18 *payment is made in compliance with the provisions of this section*
19 *and sections 79 and 80 of this act.*

20 **Sec. 79.** *Except as otherwise provided in section 78 of this*
21 *act, all claims against the protected minor, the guardianship estate*
22 *or the guardian of the estate as such must be presented to the*
23 *guardian of the estate. Each such claim must be in writing, must*
24 *describe the nature and the amount of the claim, if ascertainable,*
25 *and must be accompanied by the affidavit of the claimant, or*
26 *someone on behalf of the claimant, who has personal knowledge*
27 *of the fact. The affidavit must state that within the knowledge of*
28 *the affiant the amount claimed is justly due, no payments have*
29 *been made thereon which are not credited and there is no*
30 *counterclaim thereto, except as stated in the affidavit. If such*
31 *claim is founded on a written instrument, the original or a copy*
32 *thereof with all endorsements must be attached to the claim. The*
33 *original instrument must be exhibited to the guardian or the court,*
34 *upon demand, unless it is lost or destroyed, in which case the fact*
35 *of its loss or destruction must be stated in the claim.*

36 **Sec. 80.** *1. A guardian of the estate shall examine each*
37 *claim presented to the guardian for payment. If the guardian is*
38 *satisfied that the claim is appropriate and just, the guardian shall:*

39 *(a) Endorse upon the claim the words "examined and*
40 *allowed" and the date;*

41 *(b) Officially subscribe the notation; and*

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

43 *2. If the guardian is not satisfied that the claim is just, the*
44 *guardian shall:*



1 (a) Endorse upon the claim the words “examined and
2 rejected” and the date;

3 (b) Officially subscribe the notation; and

4 (c) Not later than 60 days after the date the claim was
5 presented to the guardian, notify the claimant by personal service
6 or by mailing a notice by registered or certified mail that the claim
7 was rejected.

8 **Sec. 81.** 1. If, not later than 60 days after the date the claim
9 was presented to the guardian, a rejected claim is returned to the
10 claimant or the guardian of the estate fails to approve or reject
11 and return a claim, the claimant, before the claim is barred by the
12 statute of limitations, may:

13 (a) File a petition for approval of the rejected claim in the
14 guardianship proceeding for summary determination by the court;
15 or

16 (b) Commence an action or suit on the claim against the
17 guardian in the guardian’s fiduciary capacity and any judgment
18 or decree obtained must be satisfied only from property of the
19 protected minor.

20 2. If a claimant files a request for approval of a rejected
21 claim or a like claim in the guardianship proceeding for summary
22 determination, the claimant shall serve notice that he or she has
23 filed such a request on the guardian.

24 3. Not later than 20 days after the date of service, the
25 guardian may serve notice of objection to summary determination
26 on the claimant. If the guardian serves the claimant with notice
27 and files a copy of the notice with the court, the court shall not
28 enter a summary determination and the claimant may commence
29 an action or suit on the claim against the guardian in the
30 guardian’s fiduciary capacity as provided in subsection 1.

31 4. If the guardian fails to serve the claimant with notice of
32 objection to summary determination or file a copy of the notice
33 with the court, the court shall:

34 (a) Hear the matter and determine the claim or like claim in a
35 summary manner; and

36 (b) Enter an order allowing or rejecting the claim, either in
37 whole or in part. No appeal may be taken from the order.

38 **Sec. 82.** 1. Before taking any of the following actions, the
39 guardian of the estate shall petition the court for an order
40 authorizing the guardian to:

41 (a) Invest the property of the protected minor pursuant to
42 section 84 of this act.

43 (b) Borrow money for the protected minor pursuant to section
44 85 of this act.



(c) Except as otherwise provided in section 61 of this act, enter into contracts for the protected minor or complete the performance of contracts of the protected minor pursuant to section 86 of this act.

(d) Make gifts from the protected minor's estate pursuant to section 87 of this act.

(e) Sell, lease or place in trust any property of the protected minor pursuant to section 88 of this act.

(f) Exchange or partition the protected minor's property pursuant to section 126 of this act.

(g) Exercise or release the power of the protected minor as a donee of a power of appointment.

(h) Exercise the right of the protected minor to take under or against a will.

(i) Transfer to a trust created by the protected minor any property unintentionally omitted from the trust.

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

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

(2) The trust was created by the court.

(k) Pay any claim by the Department of Health and Human Services to recover benefits for Medicaid correctly paid to or on behalf of the protected minor.

(l) Transfer money in a protected minor's blocked account to the Nevada Higher Education Prepaid Tuition Trust Fund created pursuant to NRS 353B.140.

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

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

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

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

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

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

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



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

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

8 5. *A petition filed pursuant to paragraphs (b) and (d) of*
9 *subsection 1 may be consolidated in and filed with the petition for*
10 *the appointment of the guardian, and if the guardian is appointed,*
11 *the court may enter additional orders authorizing the guardian to*
12 *continue the business of the protected minor, enter contracts for*
13 *the protected minor or complete contracts of the protected minor.*

14 **Sec. 83.** 1. *Upon the filing of any petition under section 60*
15 *or 82 of this act, or any account, notice must be given in the*
16 *manner prescribed by section 17 of this act.*

17 2. *The notice must:*

18 (a) *Give the name of the protected minor.*

19 (b) *Give the name of the petitioner.*

20 (c) *Give the date, time and place of the hearing.*

21 (d) *State the nature of the petition.*

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

26 **Sec. 84.** 1. *Upon approval of the court by order, a guardian*
27 *of the estate may:*

28 (a) *Invest the property of the protected minor, make loans and*
29 *accept security therefor, in the manner and to the extent*
30 *authorized by the court.*

31 (b) *Exercise options of the protected minor to purchase or*
32 *exchange securities or other property.*

33 2. *A guardian of the estate may, without securing the prior*
34 *approval of the court, invest the property of the protected minor in*
35 *the following:*

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

41 (b) *Interest-bearing obligations of or fully guaranteed by the*
42 *United States.*

43 (c) *Interest-bearing obligations of the United States Postal*
44 *Service.*



1 (d) *Interest-bearing obligations of the Federal National*
2 *Mortgage Association.*

3 (e) *Interest-bearing general obligations of this State.*

4 (f) *Interest-bearing general obligations of any county, city or*
5 *school district of this State.*

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

8 3. *A guardian of the estate for two or more wards may invest*
9 *the property of two or more of the wards in property in which each*
10 *ward whose property is so invested has an undivided interest. The*
11 *guardian shall keep a separate record showing the interest of each*
12 *ward in the investment and in the income, profits or proceeds*
13 *therefrom.*

14 4. *A guardian of the estate may access or manage a*
15 *guardianship account via the Internet on a secured website*
16 *established by the bank, credit union or broker holding the*
17 *account.*

18 **Sec. 85.** 1. *A guardian of the estate, with prior approval of*
19 *the court by order, may borrow money for the account of the*
20 *protected minor when necessary:*

21 (a) *To pay claims against the protected minor, the*
22 *guardianship estate or the guardian of the estate as such.*

23 (b) *To provide for the proper care, maintenance, education*
24 *and support of the protected minor.*

25 (c) *For any other purpose that is in the best interests of the*
26 *protected minor.*

27 2. *If the court determines that the borrowing is necessary or*
28 *proper, the court shall make an order approving the borrowing*
29 *and may authorize one or more separate loans. The order must*
30 *prescribe the maximum amount of each loan, the maximum rate*
31 *of interest and the date of final maturity of each loan, and may*
32 *authorize the guardian to secure any loan by mortgage, deed of*
33 *trust, pledge or other security transaction authorized by the laws*
34 *of this State. The order must describe the property, if any, to be*
35 *given as security for each loan.*

36 **Sec. 86.** *If a protected minor for whom a guardian of the*
37 *estate is appointed was, at the time of the appointment, a party to a*
38 *contract which has not been fully performed, and which was made*
39 *by the minor while not under any legal disability other than being*
40 *under the age of majority, the guardian of the estate, with prior*
41 *approval of the court by order, may complete the performance of*
42 *such contract. If such contract requires the conveyance of any*
43 *real or personal property, or any interest in such property, the*
44 *court may authorize the guardian to convey the interest and estate*
45 *of the protected minor in the property, and the effect of such*



1 conveyance is the same as though made by the protected minor
2 while not under legal disability. If the contract requires a sale, no
3 notice of sale is required under this section unless otherwise
4 ordered by the court.

5 **Sec. 87.** 1. A guardian of the estate, with prior approval of
6 the court by order, may, from the estate of the protected minor
7 which is not necessary for the proper care, maintenance,
8 education and support of the protected minor, make reasonable
9 gifts directly, or into a trust, on behalf of the protected minor.

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

12 (a) The purpose of the guardian in seeking approval to make
13 the gift is to dispose of assets to make the ward eligible for
14 Medicaid; and

15 (b) Making the gift will cause the ward to become eligible for
16 Medicaid.

17 **Sec. 88.** A guardian of the estate, with prior approval of the
18 court by order, may sell, lease or place in trust any of the property
19 of the protected minor:

20 1. For the purpose of paying claims against the protected
21 minor, the guardianship estate or the guardian of the estate.

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

24 3. For the purpose of investing the proceeds.

25 4. To obtain income through rentals or royalties.

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

28 **Sec. 89.** Any interest of a protected minor in real or personal
29 property, including interests in contracts and choses in action,
30 may be sold pursuant to this chapter.

31 **Sec. 90.** 1. All sales of real property of a protected minor
32 must be:

33 (a) Reported to the court; and

34 (b) Confirmed by the court before the title to the real property
35 passes to the purchaser.

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

39 3. The court shall set the date of the hearing and give notice
40 of the hearing in the manner required pursuant to section 83 of
41 this act or as the court may order.

42 4. An interested person may file written objections to the
43 confirmation of the sale. If such objections are filed, the court
44 shall conduct a hearing regarding those objections during which



1 *the interested person may offer witnesses in support of the*
2 *objections.*

3 *5. Before the court confirms a sale, the court must find that*
4 *notice of the sale was given in the manner required pursuant to*
5 *sections 98, 99 and 100 of this act, unless the sale was exempt*
6 *from notice pursuant to section 86 of this act.*

7 **Sec. 91.** *If the guardian neglects or refuses to sell any real*
8 *property of the estate when it is necessary or in the best interests of*
9 *the protected minor, an interested person may petition the court*
10 *for an order requiring the guardian to sell the property. The court*
11 *shall set the petition for a hearing, and the petitioner shall serve*
12 *notice on the guardian at least 10 days before the hearing.*

13 **Sec. 92.** *If real property of the estate of a protected minor is*
14 *sold that is subject to a mortgage or other lien which is a valid*
15 *claim against the estate, the money from the sale must be applied*
16 *in the following order:*

17 *1. To pay the necessary expenses of the sale.*

18 *2. To satisfy the mortgage or other lien, including, without*
19 *limitation, payment of interest and any other lawful costs and*
20 *charges. If the mortgagee or other lienholder cannot be found, the*
21 *money from the sale may be paid as ordered by the court and the*
22 *mortgage or other lien shall be deemed to be satisfied.*

23 *3. To the estate of the protected minor, unless the court*
24 *orders otherwise.*

25 **Sec. 93.** *At a sale of real property that is subject to a*
26 *mortgage or lien, the holder of the mortgage or lien may become*
27 *the purchaser. The receipt for the amount owed to the holder from*
28 *the proceeds of the sale is a payment pro tanto.*

29 **Sec. 94.** *1. In the manner required by this chapter for the*
30 *sale of like property, a guardian may sell:*

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

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

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

38 **Sec. 95.** *1. A guardian may enter into a written contract*
39 *with any bona fide agent, broker or multiple agents or brokers to*
40 *secure a purchaser for any real property of the estate. Such a*
41 *contract may grant an exclusive right to sell the property to the*
42 *agent, broker or multiple agents or brokers.*

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

45 *(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. 96. 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. 97. 1. *If a protected minor owns real property jointly with one or more other persons, the interest owned by the protected minor 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 section 90 of this act; 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 protected minor 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 protected minor will be released from all liability for any mortgage or lien on the property.*

Sec. 98. 1. *Except as otherwise provided in this section and except for a sale pursuant to section 86 or 97 of this act, a guardian may sell the real property of a protected minor 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 86 or 97 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 \$10,000 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. 99. 1. Except for a sale pursuant to section 86 or 97 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. 100. 1. Except for the sale of real property pursuant to section 86 or 97 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. 101. 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) Except for a sale of real property pursuant to section 86 of this act, 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 66 and 67 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. 102. 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 protected minor; 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 98 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 or her 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.

7. Except as otherwise provided in this subsection, if a higher offer or bid is received by the court during the hearing to confirm the sale and the court does not accept that offer or bid, each successive bid must be for not less than:

(a) An additional \$5,000, if the original offer is for \$100,000 or more; or

(b) An additional \$250 if the original offer is less than \$100,000.



1 *↪ Upon the request of the guardian during the hearing to confirm*
2 *the sale, the court may set other incremental bid amounts.*

3 **Sec. 103.** 1. *If the court confirms a sale of real property of*
4 *a guardianship estate, the guardian shall execute a conveyance of*
5 *the property to the purchaser.*

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

10 3. *A conveyance conveys all the right, title and interest of the*
11 *protected minor in the property on the date of the sale, and if,*
12 *before the date of the sale, by operation of law or otherwise, the*
13 *protected minor has acquired any right, title or interest in the*
14 *property other than or in addition to that of the protected minor at*
15 *the time of the sale, that right, title or interest also passes by the*
16 *conveyance.*

17 **Sec. 104.** 1. *If a sale of real property is made upon credit,*
18 *the guardian shall take:*

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

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

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

25 **Sec. 105.** 1. *After confirmation of the sale of real property,*
26 *if the purchaser neglects or refuses to comply with the terms of the*
27 *sale, the court may set aside the order of confirmation and order*
28 *the property to be resold:*

29 (a) *On motion of the guardian; and*

30 (b) *After notice is given to the purchaser.*

31 2. *If the amount realized on the resale of the property is*
32 *insufficient to cover the bid and the expenses of the previous sale,*
33 *the original purchaser is liable to the estate of the protected minor*
34 *for the deficiency.*

35 **Sec. 106.** *A guardian who fraudulently sells any real*
36 *property of a protected minor in a manner inconsistent with the*
37 *provisions of this chapter is liable for double the value of the*
38 *property sold, as liquidated damages, to be recovered in an action*
39 *by or on behalf of the protected minor.*

40 **Sec. 107.** *The periods of limitation prescribed in NRS 11.260*
41 *apply to all actions:*

42 1. *For the recovery of real property sold by a guardian in*
43 *accordance with the provisions of this chapter; and*

44 2. *To set aside a sale of real property.*



1 **Sec. 108. 1.** *A guardian may sell perishable property and*
2 *other personal property of the protected minor without notice, and*
3 *title to the property passes without confirmation by the court if the*
4 *property:*

5 (a) *Will depreciate in value if not disposed of promptly; or*

6 (b) *Will incur loss or expense by being kept.*

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

10 **Sec. 109.** *A guardian may sell any security of the protected*
11 *minor if:*

12 **1.** *The guardian petitions the court for confirmation of the*
13 *sale;*

14 **2.** *The clerk sets the date of the hearing;*

15 **3.** *The guardian gives notice in the manner required*
16 *pursuant to section 17 of this act unless, for good cause shown,*
17 *the court shortens the period within which notice must be given or*
18 *dispenses with notice; and*

19 **4.** *The court confirms the sale.*

20 **Sec. 110. 1.** *Except as otherwise provided in sections 108*
21 *and 109 of this act, a guardian may sell the personal property of*
22 *the protected minor only after notice of the sale is published in:*

23 (a) *A newspaper that is published in the county in which the*
24 *property, or some portion of the property, is located; or*

25 (b) *If a newspaper is not published in that county:*

26 (1) *In a newspaper of general circulation in the county; or*

27 (2) *In such other newspaper as the court orders.*

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

29 (a) *The notice of a public sale must be published not less than*
30 *three times before the date of the sale, over a period of 14 days and*
31 *7 days apart.*

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

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

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

39 (a) *For a public sale:*

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

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

42 (b) *For a private sale:*

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

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



(c) *For a sale on an appropriate auction website on the Internet:*

- (1) *A description of the personal property to be sold;*
- (2) *The date the personal property will be listed; and*
- (3) *The Internet address of the website on which the sale will be posted.*

Sec. 111. *1. The guardian may sell the personal property of a protected minor by public sale at:*

- (a) *The residence of the protected minor; or*
- (b) *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 or photographs of the personal property are posted on an appropriate auction website on the Internet.

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

Sec. 112. *The following interests of the estate of the protected minor may be sold in the same manner as other personal property:*

1. An interest in personal property that has been pledged to the protected minor; and

2. Choses in action.

Sec. 113. *A guardian of the estate may lease any real property of the protected minor or any interest in real property:*

1. Without securing prior court approval, where the tenancy is from month to month or for a term not to exceed 1 year and the reasonable fixed rental for the property or the protected minor's proportionate interest in such rental does not exceed \$250 per month.

2. With prior approval of the court by order, for such period of time as may be authorized by the court, not exceeding any time limitation prescribed by law, and upon such terms and conditions as the court may approve. Such lease may extend beyond the period of minority of a protected minor.

Sec. 114. *The court may authorize the guardian to enter into a written contract with one or more licensed real estate brokers to secure a lessee of the protected minor's property, which contract may provide for the payment of a commission, not exceeding 5 percent of the fixed rental for the first 2 years, to be paid out of the proceeds of any such lease.*

Sec. 115. *1. Petitions to secure court approval of any lease:*
(a) Must include the parcel number assigned to the property to be leased and the physical address of the property, if any; and



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

4 2. *Upon the hearing of a petition pursuant to subsection 1, if*
5 *the court is satisfied that the lease is for the best interests of the*
6 *protected minor and the estate of the protected minor, the court*
7 *shall enter an order authorizing the guardian to enter into the*
8 *lease.*

9 **Sec. 116.** *A guardian of the estate, with prior approval of the*
10 *court by order, may enter into agreements providing for the rental*
11 *or bailment of the protected minor's personal property. All*
12 *proceedings to obtain such a court order must be the same as*
13 *required for the lease of real property.*

14 **Sec. 117.** 1. *If the property to be leased consists of mining*
15 *claims, an interest in the mining claims, property worked as a*
16 *mine or lands containing oil, gas, steam, gravel or any minerals,*
17 *the court may authorize the guardian to enter into a lease which*
18 *provides for payment by the lessee of a royalty, in money or in*
19 *kind, in lieu of a fixed rental. The court may also authorize the*
20 *guardian to enter into a lease which provides for a pooling*
21 *agreement or authorizes the lessee to enter into pooling or other*
22 *cooperative agreements with lessees, operators or owners of other*
23 *lands and minerals for the purpose of bringing about the*
24 *cooperative development and operation of any mine, oil field or*
25 *other unit of which the protected minor's property is a part.*

26 2. *If the proposed lease contains an option to purchase, and*
27 *the property to be sold under the option consists of mining claims,*
28 *property worked as a mine, or interests in oil, gas, steam, gravel or*
29 *any mineral, which has a speculative or undefined market value,*
30 *the court may authorize the guardian to enter into such a lease*
31 *and sales agreement or give an option to purchase without*
32 *requiring the property to be sold at public auction or by private*
33 *sale in the manner required by this chapter for sales of other real*
34 *property.*

35 3. *If the petition filed pursuant to this section requests*
36 *authority to enter into a lease with an option to purchase, in*
37 *addition to the notice required by section 17 of this act, the*
38 *guardian shall publish a copy of the notice at least twice, the first*
39 *publication to be at least 10 days before the date set for the*
40 *hearing and the second publication to be not earlier than 7 days*
41 *after the date of the first publication. The notice must be published*
42 *in:*

43 (a) *A newspaper that is published in the county where the*
44 *property is located; or*



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

Sec. 118. 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 protected minor, 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 protected minor 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 17 of this act.

Sec. 119. 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 118 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 protected minor, 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. 120. 1. If the court orders the guardian to enter into the agreement pursuant to section 119 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.



1 **Sec. 121.** *1. If the purchaser or option holder neglects or*
2 *refuses to comply with the terms of the agreement approved by the*
3 *court pursuant to section 119 of this act, the guardian may petition*
4 *the court to cancel the agreement. The court shall cancel the*
5 *agreement after notice is given to the purchaser or option holder.*

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

8 **Sec. 122.** *1. If the purchaser or option holder complies with*
9 *the terms of an agreement approved by the court pursuant to*
10 *section 119 of this act and has made all payments according to the*
11 *terms of the agreement, the guardian shall:*

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

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

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

16 *3. The court:*

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

19 *(b) May order or deny confirmation of the proceedings and*
20 *execution of the conveyances in the same manner and with the*
21 *same effect as when the court orders or denies a confirmation of a*
22 *sale of real property.*

23 **Sec. 123.** *1. A guardian of the estate, with prior approval of*
24 *the court, may accept an offer for the purchase of the interest or*
25 *estate of the protected minor, in real or personal property or both*
26 *real and personal property, where it appears from the petition and*
27 *the court determines that:*

28 *(a) The interest or estate of the protected minor in such*
29 *property is an interest in a partnership, joint venture or closely*
30 *held corporation, in which the offeror or offerors own the*
31 *remaining interests in the partnership, joint venture or closely*
32 *held corporation, or are offering to purchase such remaining*
33 *interests.*

34 *(b) The interest or estate of the protected minor in such*
35 *property is an undivided interest in property in which the offeror*
36 *or offerors own the remaining interests in such property or are*
37 *offering to purchase such remaining interests.*

38 *(c) The interest or estate of the protected minor to be sold or*
39 *granted is an easement in or creates a servitude upon the protected*
40 *minor's property.*

41 *2. A guardian of the estate, with prior approval of the court,*
42 *may accept an offer to surrender the interest or estate of the*
43 *protected minor in real or personal property or both real and*
44 *personal property, where it appears from the petition and the court*
45 *determines that:*



1 (a) *The interest or estate of the protected minor is contingent*
2 *or dubious.*

3 (b) *The interest or estate of the protected minor in such*
4 *property is a servitude upon the property of another.*

5 **Sec. 124.** 1. *A guardian of the estate may petition the court*
6 *for advice and instructions in any matter concerning;*

7 (i) *The administration of the protected minor's estate;*

8 (ii) *The priority of paying claims;*

9 (iii) *The propriety of making any proposed disbursement of*
10 *funds;*

11 (iv) *Exercising for or on behalf of the protected minor:*

12 (1) *Any options or other rights under any policy of*
13 *insurance or annuity; and*

14 (2) *The right to take under a will, trust or other devise;*

15 (v) *The propriety of exercising any right exercisable by owners*
16 *of property; and*

17 (vi) *Matters of a similar nature.*

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

23 3. *If any interested person may be adversely affected by the*
24 *proposed act of the guardian, the court shall direct the issuance of*
25 *a citation to that interested person, to be served upon the person at*
26 *least 20 days before the hearing on the petition. The citation must*
27 *be served in the same manner that summons is served in a civil*
28 *action and must direct the interested person to appear and show*
29 *cause why the proposed act of the guardian should not be*
30 *authorized or approved. All interested persons so served are bound*
31 *by the order of the court which is final and conclusive, subject to*
32 *any right of appeal.*

33 **Sec. 125.** 1. *A guardian of the estate shall record a certified*
34 *copy of any court order authorizing the sale, mortgage, lease,*
35 *surrender or conveyance of real property in the office of the*
36 *county recorder of the county in which any portion of the land is*
37 *located.*

38 2. *To carry out effectively any transaction affecting the*
39 *protected minor's property as authorized by this chapter, the court*
40 *may authorize the guardian to execute any promissory note,*
41 *mortgage, deed of trust, deed, lease, security agreement or other*
42 *legal document or instrument which is reasonably necessary to*
43 *carry out such transaction.*

44 **Sec. 126.** 1. *A guardian of the estate, with prior approval of*
45 *the court by order, where it appears from the petition and the*



1 *court determines that the best interests of the protected minor are*
2 *served by such action, may:*

3 *(a) Accept an offer to exchange all or any interest of the*
4 *protected minor in real or personal property or both real and*
5 *personal property for real or personal property or both real and*
6 *personal property of another, and pay or receive any cash or other*
7 *consideration to equalize the values on such exchange; or*

8 *(b) Effect a voluntary partition of real or personal property or*
9 *both real and personal property in which the protected owner*
10 *owns an undivided interest.*

11 *2. Upon hearing the petition, the court shall inquire into the*
12 *value of the property to be exchanged or partitioned, the rental or*
13 *income therefrom, and the use for which the property is best*
14 *suited.*

15 **Sec. 127.** *Every guardianship established pursuant to this*
16 *chapter must be reviewed by the court annually.*

17 **Sec. 128.** *A guardian of the estate shall make and file a*
18 *verified account in the guardianship proceeding:*

19 *1. Annually, not later than 60 days after the anniversary date*
20 *of the appointment of the guardian, unless the court orders such*
21 *an account to be made and filed at a different interval upon a*
22 *showing of good cause and with the appropriate protection of the*
23 *interests of the protected minor.*

24 *2. Upon filing a petition to resign and before the resignation*
25 *is accepted by the court.*

26 *3. Within 30 days after the date of his or her removal, unless*
27 *the court authorizes a longer period.*

28 *4. Within 90 days after the date of termination of the*
29 *guardianship or the emancipation or death of the protected minor,*
30 *unless the court authorizes a longer period.*

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

33 **Sec. 129.** *1. An account made and filed by a guardian of*
34 *the estate must include, without limitation, the following*
35 *information:*

36 *(a) The period covered by the account.*

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

39 *(c) All claims filed and the action taken regarding the account.*

40 *(d) Any changes in the protected minor's property due to sales,*
41 *exchanges, investments, acquisitions, gifts, mortgages or other*
42 *transactions which have increased, decreased or altered the*
43 *protected minor's property holdings as reported in the original*
44 *inventory or the preceding account.*



1 (e) Any other information the guardian considers necessary to
2 show the condition of the affairs of the protected minor.

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

6 3. Receipts or vouchers for all expenditures must be retained
7 by the guardian for examination by the court or an interested
8 person. Unless ordered by the court, the guardian is not required
9 to file such receipts or vouchers with the court.

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

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

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

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

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

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

25 **Sec. 130.** 1. Any interested person may appear at the
26 hearing and object to the account or file written objections to the
27 account before the hearing.

28 2. If there are no objections to the account or if the court
29 overrules any objections, the court may enter an order allowing
30 and confirming the account.

31 3. Except as otherwise provided in this subsection, the order
32 settling and allowing the account is a final order and is conclusive
33 against all persons interested in the guardianship proceeding,
34 including, without limitation, heirs and assigns. The order is not
35 final against a protected minor who requests an examination of
36 any account after the protected minor's legal disability is removed.

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

42 **Sec. 131.** 1. Subject to the discretion and approval of the
43 court and except as otherwise provided in subsection 4, a guardian
44 must be allowed:

45 (a) Reasonable compensation for the guardian's services;



1 (b) Necessary and reasonable expenses incurred in exercising
2 the authority and performing the duties of a guardian; and

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

5 2. Reasonable compensation and services must be based upon
6 similar services performed for persons who are not under a legal
7 disability. In determining whether compensation is reasonable, the
8 court may consider:

9 (a) The nature of the guardianship;

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

12 (c) Any other relevant factors.

13 3. In the absence of an order of the court pursuant to this
14 chapter shifting the responsibility of the payment of compensation
15 and expenses, the payment of compensation and expenses must be
16 paid from the estate of the protected minor. In evaluating the
17 ability of a protected minor to pay such compensation and
18 expenses, the court may consider:

19 (a) The nature, extent and liquidity of the protected minor's
20 assets;

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

22 (c) Any foreseeable expenses; and

23 (d) Any other factors that are relevant to the duties of the
24 guardian pursuant to section 61 or 64 of this act.

25 4. A private professional guardian is not allowed
26 compensation or expenses for services incurred by the private
27 professional guardian as a result of a petition to have him or her
28 removed as guardian if the court removes the private professional
29 guardian pursuant to the provisions of paragraph (b), (d), (e), (f)
30 or (h) of subsection 1 of section 133 of this act.

31 **Sec. 132.** If a protected minor resides with a care provider
32 that is an institution or facility, the care provider shall furnish to
33 the guardian an itemized accounting of all financial activity
34 pertaining to the protected minor:

35 1. On a quarterly basis; and

36 2. At any other time, upon the request of the guardian.

37 **Sec. 133.** 1. The court may remove a guardian if the court
38 determines that:

39 (a) The guardian has become mentally incompetent,
40 unsuitable or otherwise incapable of exercising the authority and
41 performing the duties of a guardian as provided by law;

42 (b) The guardian is no longer qualified to act as a guardian
43 pursuant to section 46 of this act;

44 (c) The guardian has filed for bankruptcy within the previous
45 5 years;



(d) *The guardian of the estate has mismanaged the estate of the protected minor;*

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

(1) *The negligence resulted in injury to the protected minor or the estate of the protected minor; or*

(2) *There was a substantial likelihood that the negligence would result in injury to the protected minor or the estate of the protected minor;*

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

(g) *The best interests of the protected minor will be served by the appointment of another person as guardian; or*

(h) *The guardian is a private professional guardian who is no longer qualified as a private professional guardian pursuant to section 45 of this act.*

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

Sec. 134. *A guardian who, after appointment:*

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

2. *Files for or receives protection as an individual or as a principal of any entity under the federal bankruptcy laws;*

3. *Has a driver's license suspended, revoked or cancelled for nonpayment of child support;*

4. *Is suspended for misconduct or disbarred from:*

(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; or*

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

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

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

Sec. 135. 1. *The following persons may petition the court to have a guardian removed:*

(a) *The protected minor;*



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

(c) A public guardian; or

(d) Any other interested person.

2. The petition must:

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

(b) Show cause for the removal.

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

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

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

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

Sec. 136. 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 protected minor 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 protected minor 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. 137. If a petition to remove a guardian is deemed sufficient and the guardian fails to appear before the court, the court may take any or all of the following actions:

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.



1 4. Find that the guardian caused harm to the protected minor
2 or the estate of the protected minor and issue an order
3 accordingly.

4 **Sec. 138.** 1. Notwithstanding any other provision of law,
5 except as otherwise provided in subsection 3, the court shall not
6 remove the guardian or appoint another person as guardian
7 unless the court finds that removal of the guardian or appointment
8 of another person as guardian is in the best interests of the
9 protected minor.

10 2. For the purposes of this section in determining the best
11 interests of the protected minor, the court shall consider, without
12 limitation:

13 (a) The ability of the present guardian to provide for the basic
14 needs of the protected minor, including, without limitation, food,
15 shelter, clothing and medical care;

16 (b) The safety of the home in which the protected minor is
17 residing;

18 (c) The length of time that the protected minor has been in the
19 care of the present guardian;

20 (d) The current well-being of the protected minor, including
21 whether the protected minor is prospering in the environment
22 being provided by the present guardian;

23 (e) The emotional bond existing between the present guardian
24 and the protected minor;

25 (f) If the person petitioning the court to replace the present
26 guardian was previously removed from the care, custody or
27 guardianship of the protected minor:

28 (1) The level of participation before the petition was filed by
29 the petitioner in the welfare of the protected minor; and

30 (2) If applicable, whether the petitioner has received
31 instruction in parenting, participated in a program of
32 rehabilitation or undergone counseling for any problem or
33 conduct that the court, in appointing the present guardian,
34 considered as an indication of the previous unfitness of the
35 petitioner; and

36 (g) The mental and physical health of the present guardian.

37 3. The court may remove the guardian of a protected minor
38 or appoint another person as guardian if the guardian files a
39 petition to resign his or her position as guardian.

40 **Sec. 139.** 1. When a guardian dies or is removed by order
41 of the court, the court, upon the court's own motion or upon a
42 petition filed by any interested person, may appoint another
43 guardian in the same manner and subject to the same
44 requirements as are provided by law for an original appointment
45 of a guardian.



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

Sec. 140. 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 section 29 of this act.

Sec. 141. 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 protected minor 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. 142. 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 or her duties.

Sec. 143. 1. A protected minor, the guardian or another person may petition the court for the termination or modification of a guardianship. The petition must state or contain:

- (a) The name and address of the petitioner.
- (b) The relationship of the petitioner to the protected minor.
- (c) The name, age and address of the protected minor, if the protected minor is not the petitioner, or the date of death of the protected minor if the protected minor is deceased.
- (d) The name and address of the guardian, if the guardian is not the petitioner.
- (e) The reason for termination or modification.



1 (f) Whether the termination or modification is sought for a
2 guardianship of the person, of the estate, or of the person and
3 estate.

4 (g) A general description and the value of the remaining
5 property of the protected minor and the proposed disposition of
6 that property.

7 2. Upon the filing of the petition, the court may appoint an
8 attorney to represent the protected minor if:

9 (a) The protected minor is unable to retain an attorney; and

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

12 3. The petitioner has the burden of proof to show by clear
13 and convincing evidence that the termination or modification of
14 the guardianship of the person, of the estate, or of the person and
15 estate is in the best interests of the protected minor.

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

20 5. If the court finds that the petitioner did not file a petition
21 for termination or modification in good faith or in furtherance of
22 the best interests of the protected minor, the court may:

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

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

29 **Sec. 144. 1. A guardianship of the person, of the estate, or**
30 **of the person and estate is terminated:**

31 (a) By the death of the protected minor;

32 (b) Upon the protected minor's change of domicile to a place
33 outside this State and the transfer of jurisdiction to the court
34 having jurisdiction in the new domicile;

35 (c) Upon order of the court, if the court determines that the
36 guardianship no longer is necessary;

37 (d) On the date on which the protected minor reaches 18 years
38 of age; or

39 (e) On the date on which the protected minor graduates from
40 high school or becomes 19 years of age, whichever occurs sooner,
41 if:

42 (1) The protected minor will be older than 18 years of age
43 upon graduation from high school; and

44 (2) The protected minor and the guardian consent to
45 continue the guardianship and the consent is filed with the court



1 *at least 14 days before the date on which the protected minor will*
2 *become 18 years of age.*

3 *2. A guardianship of the estate is terminated:*

4 *(a) If the court removes the guardian or accepts the*
5 *resignation of the guardian and does not appoint a successor*
6 *guardian;*

7 *(b) If the court determines that the guardianship is not*
8 *necessary and orders the guardianship terminated; or*

9 *(c) By the death of the protected minor, subject to the*
10 *provisions of section 147 of this act.*

11 *3. If the guardianship is of the person and estate, the court*
12 *may order the guardianship terminated as to the person, the estate,*
13 *or the person and estate.*

14 *4. The guardian shall notify the court, all interested parties,*
15 *the trustee, and the named executor or appointed personal*
16 *representative of the estate of the protected minor of the death of*
17 *the protected minor within 30 days after the death.*

18 *5. Immediately upon the death or emancipation of the*
19 *protected minor:*

20 *(a) The guardian of the estate shall have no authority to act*
21 *for the protected minor except to wind up the affairs of the*
22 *guardianship pursuant to section 147 of this act, and to distribute*
23 *the property of the protected minor as provided in sections 148 and*
24 *149 of this act; and*

25 *(b) No person has standing to file a petition pursuant to*
26 *section 60 of this act.*

27 *6. A hearing must be held not later than 90 days before a*
28 *protected minor reaches the age of majority to determine whether:*

29 *(a) Guardianship is needed beyond the age of majority;*

30 *(b) The protected minor desires an additional year of*
31 *guardianship beyond the age of majority; and*

32 *(c) The guardian should be notified of any requirements of the*
33 *guardianship which require compliance before termination of the*
34 *guardianship.*

35 *7. If, at a hearing conducted pursuant to subsection 6, a court*
36 *makes a determination that, upon reaching the age of majority, a*
37 *protected minor would be deemed incompetent, as defined in NRS*
38 *159.019, a petition may be filed in accordance with the provisions*
39 *of chapter 159 of NRS to seek guardianship for the protected*
40 *minor pursuant to that chapter to take effect when the protected*
41 *minor reaches the age of majority. The protected minor has the*
42 *right to be represented by counsel if guardianship is sought*
43 *pursuant to this subsection.*

44 **Sec. 145. 1. If, before a protected minor is emancipated, a**
45 **parent of the protected minor petitions the court for the**



1 *termination of a guardianship of the protected minor, the parent*
2 *has the burden of proof to show by clear and convincing evidence*
3 *that:*

4 (a) *There has been a material change of circumstances since*
5 *the time the guardianship was created. The parent must show that,*
6 *as part of the change of circumstances, the parent has been*
7 *restored to suitability as described in section 46 of this act.*

8 (b) *Except as otherwise provided in subsection 2, the welfare*
9 *of the protected minor would be substantially enhanced by the*
10 *termination of the guardianship and the placement of the*
11 *protected minor with the parent.*

12 2. *If the parent consented to the guardianship when it was*
13 *created, the parent is required to make only that showing set forth*
14 *in paragraph (a) of subsection 1.*

15 **Sec. 146.** 1. *If a temporary guardianship is terminated and*
16 *a petition for a general guardianship has not been filed:*

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

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

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

27 (a) *Continue possessing the protected minor's property; and*

28 (b) *Perform the duties of guardian for not more than 90 days*
29 *after the temporary guardianship is terminated or until the court*
30 *appoints another temporary or general guardian.*

31 3. *If the death of a protected minor causes the termination of*
32 *a temporary guardianship before the hearing on a general*
33 *guardianship:*

34 (a) *The temporary guardian of the estate may:*

35 (1) *Continue possessing the protected minor's property;*
36 *and*

37 (2) *Except as otherwise provided in this paragraph, perform*
38 *the duties of guardian for not more than 90 days after the date of*
39 *the termination of the temporary guardianship or until the court*
40 *appoints a personal representative of the estate, if any. If the*
41 *temporary guardian is awaiting certification from the appropriate*
42 *authority acknowledging that the guardian has no further liability*
43 *for taxes on the estate and it will take longer than 90 days after the*
44 *date of the termination of the temporary guardianship to receive*
45 *such certification, the temporary guardian must seek approval*



1 *from the court to maintain possession of all or a portion of the*
2 *protected minor's property until certification is received.*

3 *(b) If no personal representative has been appointed pursuant*
4 *to chapter 138 or 139 of NRS, the temporary guardian shall pay*
5 *all of the final expenses and outstanding debts of the protected*
6 *minor to the extent possible using the assets in the possession of*
7 *the temporary guardian.*

8 **Sec. 147.** 1. *The guardian of the estate is entitled to retain*
9 *possession of the protected minor's property already in the control*
10 *of the guardian and is authorized to perform the duties of the*
11 *guardian to wind up the affairs of the guardianship:*

12 *(a) Except as otherwise provided in paragraph (b), (c) or (d),*
13 *for not more than 180 days or a period that is reasonable and*
14 *necessary as determined by the court after the termination of the*
15 *guardianship;*

16 *(b) Except as otherwise provided in paragraph (d), for not*
17 *more than 90 days after the date of the appointment of a personal*
18 *representative of the estate of a deceased protected minor;*

19 *(c) Except as otherwise provided in paragraph (d), for not*
20 *more than 90 days after the date of the appointment of a successor*
21 *trustee of a trust of the deceased protected minor and upon request*
22 *by the trustee; or*

23 *(d) Upon approval of the court, for more than 180 days or 90*
24 *days, as applicable, if the guardian is awaiting certification from*
25 *the appropriate authority acknowledging that the guardian has no*
26 *further liability for taxes on the estate.*

27 2. *To wind up the affairs of the guardianship, the guardian*
28 *shall:*

29 *(a) Pay all expenses of administration of the guardianship*
30 *estate, including those incurred in winding up the affairs of the*
31 *guardianship.*

32 *(b) Complete the performance of any contractual obligations*
33 *incurred by the guardianship estate.*

34 *(c) With prior approval of the court, continue any activity that:*

35 *(1) The guardian believes is appropriate and necessary; or*
36 *(2) Was commenced before the termination of the*
37 *guardianship.*

38 *(d) If the guardianship is terminated for a reason other than*
39 *the death of the protected minor, examine and allow and pay, or*
40 *reject, all claims presented to the guardian before the termination*
41 *of the guardianship for obligations incurred before the*
42 *termination.*

43 3. *If the assets are transferred to a personal representative or*
44 *a successor trustee as provided for in paragraphs (b) and (c) of*
45 *subsection 1, the court may authorize the guardian to retain*



1 *sufficient assets to pay any anticipated expenses and taxes of the*
2 *guardianship estate.*

3 **Sec. 148. 1. If the guardianship is terminated by reason of**
4 **the death of the protected minor:**

5 (a) *Except as otherwise provided in section 149 of this act, the*
6 *guardian shall report to the personal representative claims which*
7 *are presented to the guardian, or which have been presented to the*
8 *guardian but have not been paid, except those incurred in paying*
9 *the expenses of administration of the guardianship estate and in*
10 *winding up the affairs of the guardianship estate.*

11 (b) *Claims which have been allowed by the guardian, but not*
12 *paid, must be paid by the personal representative in the course of*
13 *probate in the priority provided by law for payment of claims*
14 *against a decedent, and shall have the same effect and priority as*
15 *a judgment against a decedent.*

16 (c) *Claims which have been presented and not allowed or*
17 *rejected must be acted upon by the personal representative in the*
18 *same manner as other claims against a decedent.*

19 2. *The personal representative must be substituted as the*
20 *party in interest for the guardian in any action commenced or*
21 *which may be commenced by the creditor pursuant to section 79 of*
22 *this act, including summary determination, on any claim rejected*
23 *by the guardian.*

24 **Sec. 149. 1. After the winding up of the affairs of the**
25 **guardianship, the guardian shall deliver physical possession of all**
26 **of the protected minor's property to the protected minor, the**
27 **personal representative or the successor guardian, as the case may**
28 **be, and obtain a receipt of the delivery of the property.**

29 2. *Before the guardian delivers physical possession of the*
30 *protected minor's property to the personal representative and upon*
31 *sufficient evidence of prior title, the guardian may petition the*
32 *court to have the title to the property modified, on a pro rata basis,*
33 *to reflect the manner in which title was held before the*
34 *guardianship was established so that the property is distributed to*
35 *the intended beneficiary or former joint owner of the property.*

36 3. *If the guardianship has terminated by reason of the death*
37 *of the protected minor, the court, by order, may authorize the*
38 *guardian to handle the deceased protected minor's property in*
39 *the same manner as authorized by NRS 146.070 or 146.080, if the*
40 *gross value of the property, less encumbrances, and less fees, costs*
41 *and expenses that are approved by the court, remaining in the*
42 *hands of the guardian does not exceed the amount authorized*
43 *pursuant to NRS 146.070 or 146.080.*

44 **Sec. 150. 1. Upon the filing of receipts and vouchers**
45 **showing compliance with the orders of the court in winding up the**



1 *affairs of the guardianship, the court shall enter an order*
2 *discharging the guardian and exonerating the bond of the*
3 *guardian.*

4 *2. A guardian is not relieved of liability for his or her term as*
5 *guardian until an order of discharge is entered and filed with the*
6 *court.*

7 **Sec. 151.** *A guardian shall maintain all records and*
8 *documents for each protected minor whom the guardian has*
9 *authority over for a period of not less than 7 years after the court*
10 *terminates the guardianship and shall maintain all financial*
11 *records related to the guardianship for a period of not less than 7*
12 *years after the date of the last financial transaction.*

13 **Sec. 152.** *1. Where a guardian of the estate for a*
14 *nonresident has not been appointed in this State, but the*
15 *nonresident has a foreign guardian and a person within this State*
16 *is indebted to such nonresident or such nonresident has property*
17 *within this State that is capable of being removed and which is on*
18 *deposit with or in the possession of a resident of this State, and*
19 *such property is not subject to a mortgage, pledge, lien or other*
20 *encumbrance restricting removal of the property from this State,*
21 *the person in possession of the property may deliver such property*
22 *or the person indebted may pay such debt, to the foreign guardian.*
23 *The delivery of such property or the payment of such debt is, to the*
24 *extent of such delivery or payment, a release and discharge with*
25 *respect to such property or debt.*

26 *2. The court may require such foreign guardian to post a*
27 *bond in the same manner as required of a resident guardian and*
28 *may enter such orders as are necessary to protect secured creditors*
29 *of the protected minor and unsecured creditors of the protected*
30 *minor who are residents of this State.*

31 **Sec. 153.** *1. Except as otherwise provided in this section or*
32 *NRS 127.045, a parent, without the approval of a court, may*
33 *appoint in writing a short-term guardianship for an unmarried*
34 *minor child if the parent has legal custody of the minor child.*

35 *2. The appointment of a short-term guardianship is effective*
36 *for a minor who is 14 years of age or older only if the minor*
37 *provides written consent to the guardianship.*

38 *3. The appointment of a short-term guardian does not affect*
39 *the rights of the other parent of the minor.*

40 *4. A parent shall not appoint a short-term guardian for a*
41 *minor child if the minor child has another parent:*

42 *(a) Whose parental rights have not been terminated;*

43 *(b) Whose whereabouts are known; and*

44 *(c) Who is willing and able to make and carry out daily child*
45 *care decisions concerning the minor,*



1 ➔ unless the other parent of the minor child provides written
2 consent to the appointment.

3 5. The written instrument appointing a short-term guardian
4 becomes effective immediately upon execution and must include,
5 without limitation:

6 (a) The date on which the guardian is appointed;

7 (b) The name of the parent who appointed the guardian, the
8 name of the minor child for whom the guardian is appointed and
9 the name of the person who is appointed as the guardian; and

10 (c) The signature of the parent and the guardian in the
11 presence of a notary public acknowledging the appointment of the
12 guardian. The parent and guardian are not required to sign and
13 acknowledge the instrument in the presence of the other.

14 6. The short-term guardian appointed pursuant to this section
15 serves as guardian of the minor for 6 months, unless the written
16 instrument appointing the guardian specifies a shorter term or
17 specifies that the guardianship is to terminate upon the happening
18 of an event that occurs sooner than 6 months.

19 7. Only one written instrument appointing a short-term
20 guardian for the minor child may be effective at any given time.

21 8. The appointment of a short-term guardian pursuant to this
22 section:

23 (a) May be terminated by an instrument in writing signed by
24 either parent if that parent has not been deprived of the legal
25 custody of the minor.

26 (b) Is terminated by any order of a court of competent
27 jurisdiction that appoints a guardian.

28 **Sec. 154.** 1. A member of the Armed Forces of the United
29 States, a reserve component thereof or the National Guard may, by
30 written instrument and without the approval of a court, appoint
31 any competent adult residing in this State as the guardian of the
32 person of a minor child who is a dependent of that member. The
33 instrument must be:

34 (a) Executed by both parents if living, not divorced and having
35 legal custody of the child, otherwise by the parent having legal
36 custody; and

37 (b) Acknowledged in the same manner as a deed.

38 ➔ If both parents do not execute the instrument, the executing
39 parent shall send by certified mail, return receipt requested, to the
40 other parent at his or her last known address, a copy of the
41 instrument and a notice of the provisions of subsection 3.

42 2. The instrument must contain a provision setting forth the:

43 (a) Branch of the Armed Forces;

44 (b) Unit of current assignment;

45 (c) Current rank or grade; and



(d) Social security number or service number,
↪ of the parent who is the member.

3. The appointment of a guardian pursuant to this section:

(a) May be terminated by a written instrument signed by either parent of the child if that parent has not been deprived of his or her parental rights to the child; and

(b) Is terminated by any order of a court.

Sec. 155. 1. If a guardian, interested person, protected minor or proposed protected minor petitions the court upon oath alleging:

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

(b) That the person has in his or her 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 protected minor or proposed protected minor 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 section 56 of this act, 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. 156. 1. If the court finds, after examination of a person cited pursuant to section 155 of this act, that the person has committed an act:

(a) Set forth in paragraph (a) of subsection 1 of section 155 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 155 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 155 of this act in contempt of court and deal with the person 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 protected minor or the estate of the protected minor 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 155 of this act appears and, upon consideration of the petition, the court finds that the person is not liable or responsible to the proposed protected minor or the estate of the protected minor, the court may order:*

(a) *The proposed protected minor or the estate of the protected minor 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. 157. *In addition to any order from which an appeal is expressly authorized pursuant to this chapter, an appeal may be taken to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution 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 protected minor.*

3. *Settling an account.*

4. *Ordering or authorizing a guardian to act pursuant to section 82 of this act.*

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. 158. Chapter 159 of NRS is hereby amended by adding thereto a new section to read as follows:

"Protected minor" has the meaning ascribed to it in section 11 of this act.

Sec. 159. 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 159.014 to 159.027,



1 inclusive, *and section 158 of this act* have the meanings ascribed to
2 them in those sections.

3 **Sec. 160.** NRS 159.014 is hereby amended to read as follows:

4 159.014 "Care provider" includes any public or private
5 institution located within or outside this state which provides
6 facilities for the care or maintenance of incompetents ~~or~~ *or* persons
7 of limited capacity. ~~for minors.~~

8 **Sec. 161.** NRS 159.015 is hereby amended to read as follows:

9 159.015 "Court" means any court or judge having jurisdiction
10 of the persons and estates of ~~minors,~~ incompetent persons ~~or~~ *or*
11 persons of limited capacity.

12 **Sec. 162.** NRS 159.023 is hereby amended to read as follows:

13 159.023 "Minor" means any person who is:

14 1. Less than 18 years of age; or

15 2. Less than 19 years of age if ~~the~~ *guardianship of the person*
16 is continued until the person reaches the age of 19 years pursuant to
17 ~~NRS 159.191.~~ *section 144 of this act.*

18 **Sec. 163.** NRS 159.024 is hereby amended to read as follows:

19 159.024 1. "Private professional guardian" means a person
20 who receives compensation for services as a guardian to three or
21 more wards who are not related to the guardian by blood or
22 marriage.

23 2. For the purposes of this chapter, the term includes:

24 (a) A person who serves as a private professional guardian and
25 who is required to have a license issued pursuant to chapter 628B of
26 NRS.

27 (b) A person who serves as a private professional guardian but
28 who is exempt pursuant to NRS 159.0595 or 628B.110 *or section*
29 *45 of this act* from the requirement to have a license issued pursuant
30 to chapter 628B of NRS.

31 3. The term does not include:

32 (a) A governmental agency.

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

35 *4. As used in this section, "ward" includes a protected minor.*

36 **Sec. 164.** NRS 159.025 is hereby amended to read as follows:

37 159.025 "Proposed ward" means any person, *other than a*
38 *minor*, for whom proceedings for the appointment of a guardian
39 have been initiated in this State or, if the context so requires, for
40 whom similar proceedings have been initiated in another state.

41 **Sec. 165.** NRS 159.027 is hereby amended to read as follows:

42 159.027 "Ward" means any person, *other than a minor*, for
43 whom a guardian has been appointed.



Sec. 166. NRS 159.034 is hereby amended to read as follows:

159.034 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 any petition filed in the guardianship proceeding to:

(a) ~~Any minor ward who is 14 years of age or older.~~

~~(b) The parent or legal guardian of any minor ward who is less than 14 years of age.~~

~~(c)~~ The spouse of the ward and all other known relatives of the ward who are within the second degree of consanguinity.

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

~~(e)~~ (c) The guardian, if the petitioner is not the guardian.

~~(f)~~ (d) Any person or care provider who is providing care for the ward, except that if the person or care provider is not related to the ward, such person or care provider must not receive copies of any inventory or accounting.

~~(g)~~ (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.

~~(h)~~ (f) The Director of the Department of Health and Human Services if the ward has received or is receiving benefits from Medicaid.

~~(i)~~ (g) Those persons entitled to notice if a proceeding were brought in the ward's home state.

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. Except as otherwise provided in this subsection, if none of the persons entitled to notice of a hearing on a petition pursuant to this section 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 notice must be made by publication in the manner provided by N.R.C.P. 4(e). In all such cases, the notice must be published not later than 10 days before the date set for the hearing. If, after the appointment of a guardian, a



1 search for relatives of the ward listed in paragraph ~~(e)~~ (a) of
2 subsection 1 fails to find any such relative, the court may waive the
3 notice by publication required by this subsection.

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

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

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

12 **Sec. 167.** NRS 159.037 is hereby amended to read as follows:

13 159.037 1. The venue for the appointment of a guardian
14 when the *proposed* ward's home state is this State must be the
15 county where the proposed ward resides.

16 2. If the proper venue may be in two or more counties, the
17 county in which the proceeding is first commenced is the proper
18 county in which to continue the proceedings.

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

22 **Sec. 168.** NRS 159.039 is hereby amended to read as follows:

23 159.039 1. If proceedings for the appointment of a guardian
24 for the same proposed ward are commenced in more than one
25 county in this State, and the *proposed* ward's home state is this
26 State, they shall be stayed, except in the county where first
27 commenced, until final determination of venue in that county. If the
28 proper venue is finally determined to be in another county, the court
29 shall cause a transcript of the proceedings and all original papers
30 filed therein, all certified by the clerk of the court, to be sent to the
31 clerk of the court of the proper county.

32 2. A proceeding is considered commenced by the filing of a
33 petition.

34 3. The proceedings first legally commenced for the
35 appointment of a guardian of the estate or of the person and estate
36 extends to all the property of the proposed ward which is in this
37 state.

38 **Sec. 169.** NRS 159.041 is hereby amended to read as follows:

39 159.041 A court having before it any guardianship matter for a
40 ward *or proposed ward* whose home state is this State may transfer
41 the matter to another county in the interest of the ward *or proposed*
42 *ward* or, if not contrary to the interest of the ward ~~H~~ *or proposed*
43 *ward*, for the convenience of the guardian. A petition for the
44 transfer, setting forth the reasons therefor, may be filed in the
45 guardianship proceeding. If the court is satisfied that the transfer is



1 in the interest of the ward *or proposed ward* or, if not contrary to the
2 interest of the ward ~~H~~ *or proposed ward*, for the convenience of the
3 guardian, the court shall make an order of transfer and cause a
4 transcript of the proceedings in the matter, all original papers filed
5 in such proceedings and the original bond filed by the guardian, to
6 be certified by the clerk of the court originally hearing the matter
7 and sent to the clerk of the court of the other county. Upon receipt of
8 the transcript, papers and bond, and the filing of them for record, the
9 court of the other county has complete jurisdiction of the matter, and
10 thereafter all proceedings shall be as though they were commenced
11 in that court.

12 **Sec. 170.** NRS 159.043 is hereby amended to read as follows:

13 159.043 1. All petitions filed in ~~any~~ *a* guardianship
14 proceeding *pursuant to this chapter* must bear the title of the court
15 and cause.

16 2. The caption of all petitions and other documents filed in a
17 guardianship proceeding *pursuant to this chapter* must read, "In
18 The Matter of the Guardianship of (the person, the estate,
19 or the person and estate), (the legal name of the person),
20 ~~..... (adult or minor)."~~ *adult."*

21 **Sec. 171.** NRS 159.044 is hereby amended to read as follows:

22 159.044 1. ~~Except as otherwise provided in NRS 127.045, a~~
23 *A* proposed ward, a governmental agency, a nonprofit corporation or
24 any interested person may petition the court for the appointment of a
25 guardian.

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

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

29 (b) The name, date of birth and current address of the proposed
30 ward.

31 (c) A copy of one of the following forms of identification of the
32 proposed ward which must be placed in the records relating to the
33 guardianship proceeding and, except as otherwise provided in NRS
34 239.0115 or as otherwise required to carry out a specific statute,
35 maintained in a confidential manner:

36 (1) A social security number;

37 (2) A taxpayer identification number;

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

39 (4) A valid identification card number; or

40 (5) A valid passport number.

41 ➔ If the information required pursuant to this paragraph is not
42 included with the petition, the information must be provided to the
43 court not later than 120 days after the appointment of a guardian or
44 as otherwise ordered by the court.



(d) ~~If the proposed ward is a minor, the date on which the proposed ward will attain the age of majority and:~~

~~(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)~~ Whether the proposed ward is a resident or nonresident of this State.

~~(f)~~ (e) The names and addresses of the spouse of the proposed ward and the relatives of the proposed ward who are within the second degree of consanguinity.

~~(g)~~ (f) The name, date of birth and current address of the proposed guardian. If the proposed guardian is a private professional guardian, the petition must include proof that the guardian meets the requirements of NRS 159.0595 ~~or section 45 of this act~~. If the proposed guardian is not a private professional guardian, the petition must include a statement that the guardian currently is not receiving compensation for services as a guardian to more than one ward who is not related to the person by blood or marriage. †

~~(h)~~ *As used in this paragraph, "ward" includes a protected minor.*

(g) 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 provided in NRS 239.0115 or 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)~~ (h) Whether the proposed guardian has ever been convicted of a felony and, if so, information concerning the crime for which the proposed guardian was convicted and whether the proposed guardian was placed on probation or parole.

~~(j)~~ (i) A summary of the reasons why a guardian is needed and recent documentation demonstrating the need for a guardianship. ~~If the proposed ward is an adult, the~~ *The* documentation must include, without limitation:

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



(I) The need for a guardian;
(II) Whether the proposed ward presents a danger to himself or herself or others;

(III) Whether the proposed ward's attendance at a hearing would be detrimental to the proposed ward;

(IV) Whether the proposed ward would comprehend the reason for a hearing or contribute to the proceeding; and

(V) Whether the proposed ward is capable of living independently with or without assistance; and

(2) If the proposed ward is determined to have the limited capacity to consent to the appointment of a special guardian, a written consent to the appointment of a special guardian from the ward.

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

~~(k)~~ (k) A general description and the probable value of the property of the proposed ward and any income to which 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.

~~(m)~~ (l) The name and address of any person or care provider having the care, custody or control of the proposed ward.

~~(n)~~ (m) If the petitioner is not the spouse or natural child of the proposed ward, a declaration explaining the relationship of the petitioner to the proposed ward or to the proposed ward's family or friends, if any, and the interest, if any, of the petitioner in the appointment.

~~(o)~~ (n) 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.

~~(p)~~ (o) If the guardianship is sought as the result of an investigation of a report of abuse, neglect, exploitation, isolation or abandonment of the proposed ward, whether the referral was from a law enforcement agency or a state or county agency.

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

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

~~(s)~~ (r) 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.



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

3. Before the court makes a finding pursuant to NRS 159.054, a petitioner seeking a guardian for a proposed ~~adult~~ ward must provide the court with an assessment of the needs of the proposed ~~adult~~ ward completed by a licensed physician which identifies the limitations of capacity of the proposed ~~adult~~ ward and how such limitations affect the ability of the proposed ~~adult~~ ward to maintain his or her safety and basic needs. The court may prescribe the form in which the assessment of the needs of the proposed ~~adult~~ ward must be filed.

Sec. 172. NRS 159.047 is hereby amended to read as follows:

159.047 1. Except as otherwise provided in NRS 159.0475 , 159.0523 and ~~159.049 to~~ 159.0525, ~~inclusive,~~ upon the filing of a petition under NRS 159.044, the clerk shall issue a citation setting forth a time and place for the hearing and directing the persons or 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 upon:

(a) ~~A~~ The proposed ward ; ~~who is 14 years of age or older;~~

(b) 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) The parents and custodian of the proposed ward;

(d) Any person or officer of a care provider having the care, custody or control of the proposed ward;

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

(f) Any office of the Department of Veterans Affairs in this State if the proposed ward is receiving any payments or benefits through the Department of Veterans Affairs; and

(g) The Director of the Department of Health and Human Services if the proposed ward has received or is receiving any benefits from Medicaid.

Sec. 173. NRS 159.0485 is hereby amended to read as follows:

159.0485 1. At the first hearing for the appointment of a guardian for a proposed ~~adult~~ ward, the court shall advise the proposed ~~adult~~ ward who is in attendance at the hearing or who is appearing by videoconference at the hearing of his or her right to counsel and determine whether the proposed ~~adult~~ ward wishes to be represented by counsel in the guardianship proceeding. If the proposed ~~adult~~ ward is not in attendance at the hearing because the



1 proposed ~~{adult}~~ ward has been excused pursuant to NRS 159.0535
2 and is not appearing by videoconference at the hearing, the proposed
3 ~~{adult}~~ ward must be advised of his or her right to counsel pursuant
4 to subsection 2 of NRS 159.0535.

5 2. If ~~{an adult}~~ a ward or proposed ~~{adult}~~ ward is unable to
6 retain legal counsel and requests the appointment of counsel at any
7 stage in a guardianship proceeding and whether or not the ~~{adult}~~
8 ward or proposed ~~{adult}~~ ward lacks or appears to lack capacity, the
9 court shall, at or before the time of the next hearing, appoint an
10 attorney who works for legal aid services, if available, or a private
11 attorney to represent the ~~{adult}~~ ward or proposed ~~{adult}~~ ward. The
12 appointed attorney shall represent the ~~{adult}~~ ward or proposed
13 ~~{adult}~~ ward until relieved of the duty by court order.

14 3. Subject to the discretion and approval of the court, the
15 attorney for the ~~{adult}~~ ward or proposed ~~{adult}~~ ward is entitled to
16 reasonable compensation and expenses. Unless the court determines
17 that the ~~{adult}~~ ward or proposed ~~{adult}~~ ward does not have the
18 ability to pay such compensation and expenses or the court shifts the
19 responsibility of payment to a third party, the compensation and
20 expenses must be paid from the estate of the ~~{adult}~~ ward or
21 proposed ~~{adult}~~ ward, unless the compensation and expenses are
22 provided for or paid by another person or entity. If the court finds
23 that a person has unnecessarily or unreasonably caused the
24 appointment of an attorney, the court may order the person to pay to
25 the estate of the ~~{adult}~~ ward or proposed ~~{adult}~~ ward all or part of
26 the expenses associated with the appointment of the attorney.

27 **Sec. 174.** NRS 159.0487 is hereby amended to read as
28 follows:

29 159.0487 Any court of competent jurisdiction may appoint:

30 1. Guardians of the person, of the estate, or of the person and
31 estate for incompetents ~~{or minors}~~ whose home state is this State.

32 2. Guardians of the person or of the person and estate for
33 incompetents ~~{or minors}~~ who, although not residents of this State,
34 are physically present in this State and whose welfare requires such
35 an appointment.

36 3. Guardians of the estate for nonresident incompetents ~~{or~~
37 ~~nonresident minors}~~ who have property within this State.

38 4. Special guardians.

39 5. Guardians ad litem.

40 **Sec. 175.** NRS 159.0523 is hereby amended to read as
41 follows:

42 159.0523 1. A petitioner may request the court to appoint a
43 temporary guardian for a *proposed* ward ~~{who is an adult and}~~ who
44 is unable to respond to a substantial and immediate risk of physical
45 harm or to a need for immediate medical attention. To support the



1 request, the petitioner must set forth in a petition and present to the
2 court under oath:

3 (a) Documentation which shows the proposed ward faces a
4 substantial and immediate risk of physical harm or needs immediate
5 medical attention and lacks capacity to respond to the risk of harm
6 or obtain the necessary medical attention. Such documentation must
7 include, without limitation, a certificate signed by a physician who
8 is licensed to practice medicine in this State or who is employed by
9 the Department of Veterans Affairs, a letter signed by any
10 governmental agency in this State which conducts investigations or
11 a police report indicating:

12 (1) That the proposed ward is unable to respond to a
13 substantial and immediate risk of physical harm or to a need for
14 immediate medical attention;

15 (2) Whether the proposed ward presents a danger to himself
16 or herself or others; and

17 (3) Whether the proposed ward is or has been subjected to
18 abuse, neglect, exploitation, isolation or abandonment; and

19 (b) Facts which show that:

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

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

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

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

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

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

39 3. Except as otherwise provided in subsection 4, after the
40 appointment of a temporary guardian, the petitioner shall attempt in
41 good faith to notify the persons entitled to notice pursuant to NRS
42 159.047, including, without limitation, notice of any hearing to
43 extend the temporary guardianship. If the petitioner fails to make
44 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 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, the court may extend the temporary guardianship until a general or special guardian is appointed pursuant to subsection 8 if:

(a) 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; and

(b) 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. The court may extend the temporary guardianship, for good cause shown, for not more than two successive 60-day periods, except that the court shall not cause the temporary guardianship to continue longer than 5 months unless extraordinary circumstances are shown.

Sec. 176. NRS 159.0535 is hereby amended to read as follows:

159.0535 1. A proposed ward who is found in this State must attend the hearing for the appointment of a guardian unless:

(a) A certificate signed by a physician or psychiatrist who is licensed to practice in this State or who is employed by the Department of Veterans Affairs specifically states the condition of



1 the proposed ward, the reasons why the proposed ward is unable to
2 appear in court and whether the proposed ward's attendance at the
3 hearing would be detrimental to the physical or mental health of the
4 proposed ward; or

5 (b) A certificate signed by any other person the court finds
6 qualified to execute a certificate states the condition of the proposed
7 ward, the reasons why the proposed ward is unable to appear in
8 court and whether the proposed ward's attendance at the hearing
9 would be detrimental to the physical or mental health of the
10 proposed ward.

11 2. A proposed ward found in this State who cannot attend the
12 hearing for the appointment of a general or special guardian as set
13 forth in a certificate pursuant to subsection 1 may appear by
14 videoconference. If the proposed ward ~~is an adult and~~ cannot
15 attend by videoconference, the person who signs the certificate
16 described in subsection 1 or any other person the court finds
17 qualified shall:

18 (a) Inform the proposed ~~adult~~ ward that the petitioner is
19 requesting that the court appoint a guardian for the proposed ~~adult~~
20 ward;

21 (b) Ask the proposed ~~adult~~ ward for a response to the
22 guardianship petition;

23 (c) Inform the proposed ~~adult~~ ward of his or her right to
24 counsel and ask whether the proposed ~~adult~~ ward wishes to be
25 represented by counsel in the guardianship proceeding; and

26 (d) Ask the preferences of the proposed ~~adult~~ ward for the
27 appointment of a particular person as the guardian of the proposed
28 ~~adult~~ ward.

29 3. ~~If the proposed ward is an adult, the~~ *The* person who
30 informs the proposed ~~adult~~ ward of the rights of the proposed
31 ~~adult~~ ward pursuant to subsection 2 shall state in a certificate
32 signed by that person:

33 (a) That the proposed ~~adult~~ ward has been advised of his or her
34 right to counsel and asked whether he or she wishes to be
35 represented by counsel in the guardianship proceeding;

36 (b) The responses of the proposed ~~adult~~ ward to the questions
37 asked pursuant to subsection 2; and

38 (c) Any conditions that the person believes may have limited the
39 responses by the proposed ~~adult~~ ward.

40 4. The court may prescribe the form in which a certificate
41 required by this section must be filed. If the certificate consists of
42 separate parts, each part must be signed by the person who is
43 required to sign the certificate.

44 5. If the proposed ward is not in this State, the proposed ward
45 must attend the hearing only if the court determines that the



1 attendance of the proposed ward is necessary in the interests of
2 justice.

3 **Sec. 177.** NRS 159.054 is hereby amended to read as follows:

4 159.054 1. If the court finds the proposed ward competent
5 and not in need of a guardian, the court shall dismiss the petition.

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

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

13 **Sec. 178.** NRS 159.055 is hereby amended to read as follows:

14 159.055 1. The petitioner has the burden of proving by clear
15 and convincing evidence that the appointment of a guardian of the
16 person, of the estate, or of the person and estate is necessary.

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

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

23 (b) Specify whether the *proposed* ward is a resident or
24 nonresident of this State;

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

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

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

31 (2) Any other interested person.

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

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

35 (b) Any other interested person.

36 **Sec. 179.** NRS 159.0595 is hereby amended to read as
37 follows:

38 159.0595 1. In order for a person to serve as a private
39 professional guardian, the person must be:

40 (a) Qualified to serve as a guardian pursuant to NRS 159.0613 ;
41 ~~if the ward is an adult or NRS 159.061 if the ward is a minor;~~ and

42 (b) A guardian who has a license issued pursuant to chapter
43 628B of NRS or a certified guardian who is not required to have
44 such a license pursuant to subsection 3.



2. In order for an entity to serve as a private professional guardian, the entity must:

(a) Be qualified to serve as a guardian pursuant to NRS 159.0613 ; ~~if the ward is an adult;~~

(b) Have a license issued pursuant to chapter 628B of NRS unless the entity is not required to have such a license pursuant to subsection 3; and

(c) Have a guardian who has a license issued pursuant to chapter 628B of NRS or a certified guardian who is not required to have such a license pursuant to subsection 3 involved in the day-to-day operation or management of the entity.

3. In order for a person or entity to serve as a private professional guardian, the person or entity is not required to have a license issued pursuant to chapter 628B of NRS if the person or entity is exempt from the requirement to have such a license pursuant to NRS 628B.110 and the person or entity:

(a) Is a banking corporation as defined in NRS 657.016;

(b) Is an organization permitted to act as a fiduciary pursuant to NRS 662.245;

(c) Is a trust company as defined in NRS 669.070;

(d) Is acting in the performance of his or her duties as an attorney at law;

(e) Acts as a trustee under a deed of trust; or

(f) Acts as a fiduciary under a court trust.

4. As used in this section:

(a) “Certified guardian” means a person who is certified by the Center for Guardianship Certification or any successor organization.

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

(c) “Person” means a natural person.

Sec. 180. NRS 159.0613 is hereby amended to read as follows:

159.0613 1. Except as otherwise provided in subsection 3, in a proceeding to appoint a guardian for ~~an adult;~~ *a ward or proposed ward*, the court shall give preference to a nominated person or relative, in that order of preference:

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

(b) If the court determines that the nominated person or relative is qualified and suitable to be appointed as guardian for the ~~adult;~~ *ward or proposed ward*.

2. In determining whether any nominated person, relative or other person listed in subsection 4 is qualified and suitable to be appointed as guardian for ~~an adult;~~ *a ward or proposed ward*, the court shall consider, if applicable and without limitation:



(a) The ability of the nominated person, relative or other person to provide for the basic needs of the ~~adult~~ *ward or proposed ward*, including, without limitation, food, shelter, clothing and medical care;

(b) Whether the nominated person, relative or other person 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;

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

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

(e) Whether the nominated person, relative or other person has been convicted in this State or any other jurisdiction of a felony, unless the court determines that any such conviction should not disqualify the person from serving as guardian for the ~~adult~~ *ward or proposed ward*.

3. If the court finds that two or more nominated persons are qualified and suitable to be appointed as guardian for ~~an adult~~ *a ward or proposed ward*, the court may appoint two or more nominated persons as co-guardians or shall give preference among them in the following order of preference:

(a) A person whom the ~~adult~~ *ward or proposed ward* nominated for the appointment as guardian for the ~~adult~~ *ward or proposed ward* in a will, trust or other written instrument that is part of the ~~adult's~~ *ward's or proposed ward's* established estate plan and was executed by the ~~adult~~ *ward or proposed ward* while competent.

(b) A person whom the ~~adult~~ *ward or proposed ward* requested for the appointment as guardian for the ~~adult~~ *ward or proposed ward* in a written instrument that is not part of the ~~adult's~~ *ward's or proposed ward's* established estate plan and was executed by the ~~adult~~ *ward or proposed ward* while competent.

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

(a) Any nomination or request for the appointment as guardian by the ~~adult~~ *ward or proposed ward*.



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

(c) The relationship by blood, adoption, marriage or domestic partnership of the proposed guardian to the ~~adult~~ *ward or 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 any relative in the following order of preference:

- (1) A spouse or domestic partner.
- (2) A child.
- (3) A parent.
- (4) Any relative with whom the ~~adult~~ *ward or proposed ward* has resided for more than 6 months before the filing of the petition or any relative who has a power of attorney executed by the ~~adult~~ *ward or proposed ward* while competent.
- (5) Any relative currently acting as agent.
- (6) A sibling.
- (7) A grandparent or grandchild.
- (8) An uncle, aunt, niece, nephew or cousin.
- (9) Any other person recognized to be in a familial relationship with the ~~adult~~ *ward or proposed ward*.

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

(e) Any request for the appointment of any other interested person that the court deems appropriate, including, without limitation, a person who is not a relative and who has a power of attorney executed by the ~~adult~~ *ward or proposed ward* while competent.

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

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

(b) The distance from the proposed guardian's place of residence and the ~~adult's~~ *ward's or proposed ward's* place of residence will not affect the quality of the guardianship or the ability of the proposed guardian to make decisions and respond quickly to the needs of the ~~adult~~ *ward or proposed ward* because:

(1) A person or care provider in this State is providing continuing care and supervision for the ~~adult~~ *ward or proposed ward*;

(2) The ~~adult~~ *ward or proposed ward* is in a secured residential long-term care facility in this State; or



(3) Within 30 days after the appointment of the proposed guardian, the proposed guardian will move to this State or the ~~adult~~ ward or proposed ward will move to the proposed guardian's state of residence.

6. If the court appoints a nonresident as guardian for the ~~adult~~ ward or proposed ward:

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

(b) The court shall order the guardian to designate a registered agent in this State in the same manner as a represented entity pursuant to chapter 77 of NRS; and

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

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

(2) The preparation of records and the filing of annual reports regarding the finances and well-being of the ~~adult~~ ward or proposed ward required pursuant to NRS 159.073;

(3) The rights of the ~~adult~~ ward or proposed ward;

(4) The availability of local resources to aid the ~~adult~~ ward or proposed ward; and

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

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

(a) The public guardian of the county where the ~~adult~~ ward or proposed ward resides if:

(1) There is a public guardian in the county where the ~~adult~~ ward or proposed ward resides; and

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

(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 ~~adult~~ ward or proposed ward will be served appropriately by the appointment of a private fiduciary; or

(c) A private professional guardian who meets the requirements of NRS 159.0595 ~~or~~ or section 45 of this act.

8. A person is not qualified to be appointed as guardian for ~~an adult~~ a ward or proposed ward if the person has been suspended for misconduct or disbarred from any of the professions listed in this subsection, but the disqualification applies only during the period of the suspension or disbarment. This subsection applies to:

(a) The practice of law;



(b) The practice of accounting; or

(c) Any other profession that:

(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 in which the person practices his or her profession.

9. As used in this section:

(a) ~~“Adult” means a person who is a ward or a proposed ward and who is not a minor.~~

~~“(b)”~~ “Domestic partner” means a person in a domestic partnership.

~~“(c)”~~ (b) “Domestic partnership” means:

(1) A domestic partnership as defined in NRS 122A.040; or

(2) A domestic partnership which was validly formed in another jurisdiction and which is substantially equivalent to a domestic partnership as defined in NRS 122A.040, regardless of whether it bears the name of a domestic partnership or is registered in this State.

~~“(d)”~~ (c) “Nominated person” means a person, whether or not a relative, whom ~~“an adult;”~~ *a ward or proposed ward:*

(1) Nominates for the appointment as guardian for the ~~“adult;”~~ *ward or proposed ward* in a will, trust or other written instrument that is part of the ~~“adult’s”~~ *ward’s or proposed ward’s* established estate plan and was executed by the ~~“adult;”~~ *ward or proposed ward* while competent.

(2) Requests for the appointment as guardian for the ~~“adult;”~~ *ward or proposed ward* in a written instrument that is not part of the ~~“adult’s”~~ *ward’s or proposed ward’s* established estate plan and was executed by the ~~“adult;”~~ *ward or proposed ward* while competent.

~~“(e)”~~ (d) “Relative” means a person who is 18 years of age or older and who is related to the ~~“adult;”~~ *ward or proposed ward* by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity.

Sec. 181. NRS 159.062 is hereby amended to read as follows:

159.062 A parent or spouse of an incompetent ~~“minor;”~~ or person of limited capacity may by will nominate a guardian. The person nominated must file a petition and obtain an appointment from the court before exercising the powers of a guardian.

Sec. 182. NRS 159.069 is hereby amended to read as follows:

159.069 Every bond given by a guardian shall be filed and preserved in the office of the clerk of the district court of the county in which the guardianship proceeding is conducted. In case of the breach of any condition of such bond, an action may be maintained in behalf of the ward or wards jointly if all are interested, or of any person interested in the estate, and such bond shall not be void on



1 the first recovery. If the action on the bond is in behalf of one ward
2 on a bond given to more than one ward, the other wards mentioned
3 in the bond need not be united in or made parties to such action. *As*
4 *used in this section, "ward" includes a protected minor.*

5 **Sec. 183.** NRS 159.075 is hereby amended to read as follows:

6 159.075 When a guardian has taken the official oath and filed a
7 bond as provided in this chapter, the court shall order letters of
8 guardianship to issue to the guardian. Letters of guardianship may
9 be in the following form:

10
11 State of Nevada }
12 } ss.
13 County of..... }
14

15 On (month) (day) (year) the
16 Judicial District Court, County, State of Nevada,
17 appointed..... (name of guardian)
18(guardian of the person or estate or person
19 and estate or special guardian) for (name of
20 ward) ~~la(n)....., (minor or adult)~~, *an adult*, that
21 the named guardian has qualified and has the authority and
22 shall perform the duties of
23 (guardian of the person or estate or person and estate or
24 special guardian) for the named ward as provided by law.
25

26 In Testimony Whereof, I have hereunto subscribed my name
27 and affixed the seal of the court at my office on
28 (month) (day) (year).
29

30
31 Clerk

32 (SEAL)

33
34 Deputy Clerk

35 **Sec. 184.** NRS 159.076 is hereby amended to read as follows:

36 159.076 1. The court may grant a summary administration if,
37 at any time, it appears to the court that after payment of all claims
38 and expenses of the guardianship the value of the ward's property
39 does not exceed \$10,000.

40 2. If the court grants a summary administration, the court
41 may ~~+~~

42 ~~—(a) Authorize~~ *authorize* the guardian of the estate or special
43 guardian who is authorized to manage the ward's property to
44 convert the property to cash and sell any of the property, with or
45 without notice, as the court may direct. After the payment of all



1 claims and the expenses of the guardianship, the guardian shall
2 deposit the money in savings accounts or invest the money as
3 provided in NRS 159.117, and hold the investment and all interest,
4 issues, dividends and profits for the benefit of the ward. The court
5 may dispense with annual accountings and all other proceedings
6 required by this chapter.

7 ~~[(b) If the ward is a minor, terminate the guardianship of the~~
8 ~~estate and direct the guardian to deliver the ward's property to the~~
9 ~~custodial parent or parents, guardian or custodian of the minor to~~
10 ~~hold, invest or use as the court may order.]~~

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

14 4. If, at any time, the net value of the estate of the ward
15 exceeds \$10,000:

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

18 (b) The guardian shall file annual accountings; and

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

20 **Sec. 185.** NRS 159.113 is hereby amended to read as follows:

21 159.113 1. Before taking any of the following actions, the
22 guardian of the estate shall petition the court for an order
23 authorizing the guardian to:

24 (a) Invest the property of the ward pursuant to NRS 159.117.

25 (b) Continue the business of the ward pursuant to NRS 159.119.

26 (c) Borrow money for the ward pursuant to NRS 159.121.

27 (d) Except as otherwise provided in NRS 159.079, enter into
28 contracts for the ward or complete the performance of contracts of
29 the ward pursuant to NRS 159.123.

30 (e) Make gifts from the ward's estate or make expenditures for
31 the ward's relatives pursuant to NRS 159.125.

32 (f) Sell, lease or place in trust any property of the ward pursuant
33 to NRS 159.127.

34 (g) Exchange or partition the ward's property pursuant to
35 NRS 159.175.

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

38 (i) Exercise or release the power of the ward as a donee of a
39 power of appointment.

40 (j) Exercise the right of the ward to take under or against a will.

41 (k) Transfer to a trust created by the ward any property
42 unintentionally omitted from the trust.

43 (l) Submit a revocable trust to the jurisdiction of the court if:

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



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

2 (m) Pay any claim by the Department of Health and Human
3 Services to recover benefits for Medicaid correctly paid to or on
4 behalf of the ward.

5 ~~[(n) Transfer money in a minor ward's blocked account to the~~
6 ~~Nevada Higher Education Prepaid Tuition Trust Fund created~~
7 ~~pursuant to NRS 353B.140.]~~

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

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

15 (b) Take any other action which the guardian deems would be in
16 the best interests of the ward.

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

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

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

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

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

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

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

34 **Sec. 186.** NRS 159.117 is hereby amended to read as follows:

35 159.117 1. Upon approval of the court by order, a guardian
36 of the estate may:

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

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

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



(a) Savings accounts in any bank, credit union or savings and loan association in this State, to the extent that 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. *As used in this subsection, "ward" includes a protected minor.*

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.

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

Sec. 187. NRS 159.157 is hereby amended to read as follows:

159.157 A guardian of the estate may lease any real property of the ward or any interest in real property:

1. Without securing prior court approval, where the tenancy is from month to month or for a term not to exceed 1 year and the reasonable fixed rental for the property or the ward's proportionate interest in such rental does not exceed \$250 per month.

2. With prior approval of the court by order, for such period of time as may be authorized by the court, not exceeding any time limitation prescribed by law, and upon such terms and conditions as the court may approve. ~~[Such lease may extend beyond the period of minority of a minor ward.]~~

Sec. 188. 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 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) Any other information 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. *As used in this subsection, "ward" includes a protected minor.*

3. Receipts or vouchers for all expenditures must be retained by the guardian for examination 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. 189. NRS 159.185 is hereby amended to read as follows:

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

(a) 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;

(b) The guardian is no longer qualified to act as a guardian pursuant to NRS 159.0613 ; ~~if the ward is an adult or NRS 159.061~~
~~if the ward is a minor;~~



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

(d) The guardian of the estate has mismanaged the estate of the ward;

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

(1) The negligence resulted in injury to the ward or the estate of the ward; or

(2) There was a substantial likelihood that the negligence would result in injury to the ward or the estate of the ward;

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

(g) The best interests of the ward will be served by the appointment of another person as guardian; or

(h) The guardian is a private professional guardian who is no longer qualified as a private professional guardian pursuant to NRS 159.0595 ~~or~~ *or section 45 of this act.*

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

Sec. 190. NRS 159.191 is hereby amended to read as follows:

159.191 1. A guardianship of the person is terminated:

(a) By the death of the ward;

(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; *or*

(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:

(a) If the court removes the guardian or accepts the resignation of the guardian and does not appoint a successor guardian;

(b) If the court determines that the guardianship is not necessary and orders the guardianship terminated; or

(c) By the death of the ward, subject to the provisions of NRS 159.193.



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.

4. The guardian shall notify the court, all interested parties, the trustee, and the named executor or appointed personal representative of the estate of the ward of the death of the ward within 30 days after the death.

5. Immediately upon the death of the ward:

(a) The guardian of the estate shall have no authority to act for the ward except to wind up the affairs of the guardianship pursuant to NRS 159.193, and to distribute the property of the ward as provided in NRS 159.195 and 159.197; and

(b) No person has standing to file a petition pursuant to NRS 159.078.

Sec. 191. NRS 159.2024 is hereby amended to read as follows:

159.2024 1. To transfer jurisdiction of a guardianship or conservatorship to this State, the guardian, conservator or other interested party must petition the court of this State for guardianship pursuant to NRS 159.1991 to 159.2029, inclusive, to accept guardianship in this State. The petition must include a certified copy of the other state's provisional order of transfer and proof that the ward is physically present in, or is reasonably expected to move permanently to, this State.

2. The court shall issue a provisional order granting a petition filed under subsection 1, unless:

(a) An objection is made and the objector establishes that transfer of the proceeding would be contrary to the interests of the ward; or

(b) The guardian or petitioner is not qualified for appointment as a guardian in this State pursuant to NRS 159.0613 . ~~if the ward is an adult or NRS 159.061 if the ward is a minor.~~

3. The court shall issue a final order granting guardianship upon filing of a final order issued by the other state terminating proceedings in that state and transferring the proceedings to this State.

4. Not later than 90 days after the issuance of a final order accepting transfer of a guardianship or conservatorship, the court shall determine whether the guardianship or conservatorship needs to be modified to conform to the laws of this State.

5. In granting a petition under this section, the court shall recognize a guardianship or conservatorship order from the other state, including the determination of the ward's incapacity and the appointment of the guardian or conservator.



Sec. 192. NRS 159.315 is hereby amended to read as follows:

159.315 1. If the court finds, after examination of a person cited pursuant to NRS 159.305, that the person has committed an act:

(a) Set forth in paragraph (a) of subsection 1 of NRS 159.305, 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 NRS 159.305, 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 NRS 159.305 in contempt of court and deal with the person 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 NRS 159.305 appears and, upon consideration of the petition, the court finds that the person is not liable or responsible to the *proposed ward or the* estate of the ~~ward or proposed~~ ward, the court may order:

(a) The *proposed ward or the* estate of the ward ~~for 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. 193. NRS 160.090 is hereby amended to read as follows:

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

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



1 appointed pursuant to the provisions of chapter 159 of NRS ~~H~~ *or*
2 *sections 2 to 157, inclusive, of this act.* The premiums on all such
3 bonds must be paid from the estate.

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

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

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

26 **Sec. 194.** NRS 3.223 is hereby amended to read as follows:

27 3.223 1. Except if the child involved is subject to the
28 jurisdiction of an Indian tribe pursuant to the Indian Child Welfare
29 Act of 1978, 25 U.S.C. §§ 1901 et seq., in each judicial district in
30 which it is established, the family court has original, exclusive
31 jurisdiction in any proceeding:

32 (a) Brought pursuant to title 5 of NRS or chapter 31A, 123, 125,
33 125A, 125B, 125C, 126, 127, 128, 129, 130, ~~H59, I~~ 425 or 432B of
34 NRS, *or sections 2 to 157, inclusive, of this act,* except to the extent
35 that a specific statute authorizes the use of any other judicial or
36 administrative procedure to facilitate the collection of an obligation
37 for support.

38 (b) Brought pursuant to NRS 442.255 and 442.2555 to request
39 the court to issue an order authorizing an abortion.

40 (c) For judicial approval of the marriage of a minor.

41 (d) Otherwise within the jurisdiction of the juvenile court.

42 (e) To establish the date of birth, place of birth or parentage of a
43 minor.

44 (f) To change the name of a minor.

45 (g) For a judicial declaration of the sanity of a minor.



(h) To approve the withholding or withdrawal of life-sustaining procedures from a person as authorized by law.

(i) Brought pursuant to NRS 433A.200 to 433A.330, inclusive, for an involuntary court-ordered admission to a mental health facility.

(j) Brought pursuant to NRS 441A.510 to 441A.720, inclusive, for an involuntary court-ordered isolation or quarantine.

2. The family court, where established and, except as otherwise provided in paragraph (m) of subsection 1 of NRS 4.370, the justice court have concurrent jurisdiction over actions for the issuance of a temporary or extended order for protection against domestic violence.

3. The family court, where established, and the district court have concurrent jurisdiction over any action for damages brought pursuant to NRS 41.134 by a person who suffered injury as the proximate result of an act that constitutes domestic violence.

Sec. 195. NRS 33.030 is hereby amended to read as follows:

33.030 1. The court by a temporary order may:

(a) Enjoin the adverse party from threatening, physically injuring or harassing the applicant or minor child, either directly or through an agent;

(b) Exclude the adverse party from the applicant's place of residence;

(c) Prohibit the adverse party from entering the residence, school or place of employment of the applicant or minor child and order the adverse party to stay away from any specified place frequented regularly by them;

(d) If it has jurisdiction under chapter 125A of NRS, grant temporary custody of the minor child to the applicant;

(e) Enjoin the adverse party from physically injuring, threatening to injure or taking possession of any animal that is owned or kept by the applicant or minor child, either directly or through an agent;

(f) Enjoin the adverse party from physically injuring or threatening to injure any animal that is owned or kept by the adverse party, either directly or through an agent; and

(g) Order such other relief as it deems necessary in an emergency situation.

2. The court by an extended order may grant any relief enumerated in subsection 1 and:

(a) Specify arrangements for visitation of the minor child by the adverse party and require supervision of that visitation by a third party if necessary;



(b) Specify arrangements for the possession and care of any animal owned or kept by the adverse party, applicant or minor child; and

(c) Order the adverse party to:

(1) Avoid or limit communication with the applicant or minor child;

(2) Pay rent or make payments on a mortgage on the applicant's place of residence;

(3) Pay for the support of the applicant or minor child, including, without limitation, support of a minor child for whom a guardian has been appointed pursuant to ~~chapter 159 of NRS~~ *sections 2 to 157, inclusive, of this act* or a minor child who has been placed in protective custody pursuant to chapter 432B of NRS, if the adverse party is found to have a duty to support the applicant or minor child;

(4) Pay all costs and fees incurred by the applicant in bringing the action; and

(5) Pay monetary compensation to the applicant for lost earnings and expenses incurred as a result of the applicant attending any hearing concerning an application for an extended order.

3. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.

4. A temporary or extended order must specify, as applicable, the county and city, if any, in which the residence, school, child care facility or other provider of child care, and place of employment of the applicant or minor child are located.

5. A temporary or extended order must provide notice that a person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after the person's arrest if:

(a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(b) The person has previously violated a temporary or extended order for protection; or

(c) At the time of the violation or within 2 hours after the violation, the person has:

(1) A concentration of alcohol of 0.08 or more in the person's blood or breath; or

(2) An amount of a prohibited substance in the person's blood or urine that is equal to or greater than the amount set forth in subsection 3 of NRS 484C.110.



Sec. 196. NRS 143.030 is hereby amended to read as follows:

143.030 1. A personal representative shall take into possession all the estate of the decedent, real and personal, except that exempted as provided in this title, and shall collect all receivables due the decedent or the estate.

2. For the purpose of bringing actions to quiet title or for partition of the estate, the possession of the personal representative shall be deemed the possession of the heirs or devisees. The possession of heirs or devisees is subject, however, to the possession of the personal representative for all other purposes.

3. A personal representative shall not take into possession any assets held by a guardian of the decedent pursuant to chapter 159 of NRS *or sections 2 to 157, inclusive, of this act* until the guardianship is terminated according to the provisions of NRS 159.1905 or 159.191 *or section 143 or 144 of this act* and the guardian is ordered to distribute the assets to the personal representative.

Sec. 197. NRS 200.4685 is hereby amended to read as follows:

200.4685 1. Except as otherwise provided in this section, a person shall not:

(a) Recruit, transport, transfer, harbor, provide, obtain, maintain or solicit a child in furtherance of a transaction, or advertise or facilitate a transaction, pursuant to which a parent of the child or a person with custody of the child places the child in the physical custody of another person who is not a relative of the child, for the purpose of permanently avoiding or divesting himself or herself of responsibility for the child.

(b) Sell, transfer or arrange for the sale or transfer of a child to another person for money or anything of value or receive a child in exchange for money or anything of value.

2. The provisions of subsection 1 do not apply to:

(a) A placement of a child with a relative, stepparent, child-placing agency or an agency which provides child welfare services;

(b) A placement of a child by a child-placing agency or an agency which provides child welfare services;

(c) A temporary placement of a child with another person by a parent of the child or a person with legal or physical custody of the child, with an intent to return for the child, including, without limitation, a temporary placement of a child while the parent of the child or the person with legal or physical custody of the child is on vacation, incarcerated, serving in the military, receiving medical treatment or incapacitated;

(d) A placement of a child in accordance with NRS 127.330 ~~159.205 or 159.215;~~ *or section 153 or 154 of this act.*



(e) A placement of a child that is approved by a court of competent jurisdiction; or

(f) Delivery of a child to a provider of emergency services pursuant to NRS 432B.630.

3. A person who violates the provisions of subsection 1 is guilty of trafficking in children and shall be punished for a category C felony as provided in NRS 193.130.

4. As used in this section:

(a) "Advertise" has the meaning ascribed to it in NRS 127.310.

(b) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(c) "Child" means a person who is less than 18 years of age.

(d) "Child-placing agency" has the meaning ascribed to it in NRS 127.220.

Sec. 198. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,



1 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147,
2 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460,
3 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885,
4 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749,
5 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872,
6 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430,
7 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170,
8 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665,
9 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720,
10 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866,
11 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240,
12 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170,
13 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070,
14 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655,
15 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070,
16 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315,
17 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110,
18 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
19 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336,
20 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301,
21 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,
22 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
23 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190,
24 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524,
25 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082,
26 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135,
27 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,
28 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110,
29 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310,
30 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243,
31 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690,
32 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873,
33 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115,
34 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190,
35 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615,
36 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230,
37 710.159, 711.600, *and section 25 of this act*, sections 35, 38 and 41
38 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter
39 391, Statutes of Nevada 2013 and unless otherwise declared by law
40 to be confidential, all public books and public records of a
41 governmental entity must be open at all times during office hours to
42 inspection by any person, and may be fully copied or an abstract or
43 memorandum may be prepared from those public books and public
44 records. Any such copies, abstracts or memoranda may be used to
45 supply the general public with copies, abstracts or memoranda of the



1 records or may be used in any other way to the advantage of the
2 governmental entity or of the general public. This section does not
3 supersede or in any manner affect the federal laws governing
4 copyrights or enlarge, diminish or affect in any other manner the
5 rights of a person in any written book or record which is
6 copyrighted pursuant to federal law.

7 2. A governmental entity may not reject a book or record
8 which is copyrighted solely because it is copyrighted.

9 3. A governmental entity that has legal custody or control of a
10 public book or record shall not deny a request made pursuant to
11 subsection 1 to inspect or copy or receive a copy of a public book or
12 record on the basis that the requested public book or record contains
13 information that is confidential if the governmental entity can
14 redact, delete, conceal or separate the confidential information from
15 the information included in the public book or record that is not
16 otherwise confidential.

17 4. A person may request a copy of a public record in any
18 medium in which the public record is readily available. An officer,
19 employee or agent of a governmental entity who has legal custody
20 or control of a public record:

21 (a) Shall not refuse to provide a copy of that public record in a
22 readily available medium because the officer, employee or agent has
23 already prepared or would prefer to provide the copy in a different
24 medium.

25 (b) Except as otherwise provided in NRS 239.030, shall, upon
26 request, prepare the copy of the public record and shall not require
27 the person who has requested the copy to prepare the copy himself
28 or herself.

29 **Sec. 199.** NRS 253.150 is hereby amended to read as follows:

30 253.150 1. The board of county commissioners of each
31 county shall establish the office of public guardian.

32 2. The board of county commissioners shall:

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

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

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

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

43 (e) Contract with the board of county commissioners of a
44 neighboring county in the same judicial district to designate as
45 public guardian the public guardian of the neighboring county.



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

4. As used in this section, "private professional guardian" has the meaning ascribed to it in NRS 159.024, *and section 9 of this act*, except that the term does not include:

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

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

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

(d) A trustee under a deed of trust.

(e) A fiduciary under a court trust.

Sec. 200. NRS 253.160 is hereby amended to read as follows:

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

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

3. The oath and bond of an elected or appointed public officer designated public guardian or designated to execute the powers and duties of the public guardian pursuant to paragraph (b) or (c) of subsection 2 of NRS 253.150 are in lieu of the bonds and oaths required of private guardians. The court may require such a designee to execute a separate bond for any guardianship in the manner prescribed in NRS 159.065 *or section 50 of this act*.

Sec. 201. NRS 253.190 is hereby amended to read as follows:

253.190 A public guardian shall:

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

2. Retain:

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

(b) All other records for each case for at least 7 years after the termination of the guardianship pursuant to chapter 159 of NRS *and sections 2 to 157, inclusive, of this act*.

Sec. 202. NRS 253.200 is hereby amended to read as follows:

253.200 1. A resident of Nevada is eligible to have the public guardian of the county in which he or she resides appointed as his or her temporary individual guardian pursuant to NRS 159.0523 or



1 159.0525 ***H or to mitigate the risk of financial harm to a proposed***
2 ***protected minor pursuant to section 37 of this act.***

3 2. A resident of Nevada is eligible to have the public guardian
4 of a county appointed as his or her permanent or general individual
5 guardian if the proposed ward is a resident of that county and:

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

8 (b) The proposed ward has a guardian who the court determines
9 must be removed pursuant to NRS 159.185 ***H or section 133 of this***
10 ***act.***

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

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

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

22
23 The undersigned is the Public Guardian or a Deputy
24 Public Guardian of County. The undersigned
25 certifies that he or she has received a copy of this petition and
26 all accompanying documents to be filed with the court.
27

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

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

38 8. In addition to NRS 159.099, ***and section 76 of this act,*** a
39 county is not liable on any written or oral contract entered into by
40 the public guardian of the county for or on behalf of a ward.

41 9. For the purposes of this section:

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



(b) The county of residence of a person placed in institutional care is the county that was the county of residence of the person before the person was placed in institutional care by a guardian or agency or under power of attorney.

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

Sec. 203. NRS 432.039 is hereby amended to read as follows:

432.039 1. When in the judgment of the court it is in the best interests of a child in the lawful custody of an agency which provides child welfare services, such an agency may petition for appointment as guardian of the person and estate of the child in the manner provided by chapter ~~H59-01~~ 432B of NRS ~~H~~ *or sections 2 to 157, inclusive, of this act.*

2. The clerk of the district court, county clerk, county recorder or other county officer shall not require the payment of any fees or charges by the agency which provides child welfare services for appointment as guardian pursuant to this section, and the district court shall waive the furnishing of a bond by the agency which provides child welfare services if it is appointed guardian.

3. Except as otherwise provided in this section, the agency which provides child welfare services shall comply with all applicable provisions of chapter ~~H59-01~~ 432B of NRS ~~H~~ *or sections 2 to 157, inclusive, of this act.*

Sec. 204. NRS 432B.290 is hereby amended to read as follows:

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

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

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

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

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



- 1 (1) The child; or
- 2 (2) The person responsible for the welfare of the child;
- 3 (d) A district attorney or other law enforcement officer who
- 4 requires the information in connection with an investigation or
- 5 prosecution of the abuse or neglect of a child;
- 6 (e) Except as otherwise provided in paragraph (f), a court other
- 7 than a juvenile court, for in camera inspection only, unless the court
- 8 determines that public disclosure of the information is necessary for
- 9 the determination of an issue before it;
- 10 (f) A court , as defined in ~~NRS 159.015~~ *section 5 of this act*,
- 11 to determine whether a guardian or successor guardian of a child
- 12 should be appointed pursuant to ~~chapter 159 of NRS or~~ NRS
- 13 432B.466 to 432B.468, inclusive ~~15~~ , *or sections 2 to 157,*
- 14 *inclusive, of this act;*
- 15 (g) A person engaged in bona fide research or an audit, but
- 16 information identifying the subjects of a report must not be made
- 17 available to the person;
- 18 (h) The attorney and the guardian ad litem of the child, if the
- 19 information is reasonably necessary to promote the safety,
- 20 permanency and well-being of the child;
- 21 (i) A person who files or intends to file a petition for the
- 22 appointment of a guardian or successor guardian of a child pursuant
- 23 to ~~chapter 159 of NRS or~~ NRS 432B.466 to 432B.468, inclusive,
- 24 *or sections 2 to 157, inclusive, of this act*, if the identity of the
- 25 person responsible for reporting the abuse or neglect of the child to
- 26 a public agency is kept confidential and the information is
- 27 reasonably necessary to promote the safety, permanency and well-
- 28 being of the child;
- 29 (j) The proposed guardian or proposed successor guardian of a
- 30 child over whom a guardianship is sought pursuant to ~~chapter 159~~
- 31 ~~of NRS or~~ NRS 432B.466 to 432B.468, inclusive, *or sections 2 to*
- 32 *157, inclusive, of this act*, if the identity of the person responsible
- 33 for reporting the abuse or neglect of the child to a public agency is
- 34 kept confidential and the information is reasonably necessary to
- 35 promote the safety, permanency and well-being of the child;
- 36 (k) A grand jury upon its determination that access to these
- 37 records and the information is necessary in the conduct of its official
- 38 business;
- 39 (l) A federal, state or local governmental entity, or an agency of
- 40 such an entity, or a juvenile court, that needs access to the
- 41 information to carry out its legal responsibilities to protect children
- 42 from abuse and neglect;
- 43 (m) A person or an organization that has entered into a written
- 44 agreement with an agency which provides child welfare services to



1 provide assessments or services and that has been trained to make
2 such assessments or provide such services;

3 (n) A team organized pursuant to NRS 432B.350 for the
4 protection of a child;

5 (o) A team organized pursuant to NRS 432B.405 to review the
6 death of a child;

7 (p) A parent or legal guardian of the child and an attorney of a
8 parent or guardian of the child, including, without limitation, the
9 parent or guardian of a child over whom a guardianship is sought
10 pursuant to ~~chapter 159 of NRS or~~ NRS 432B.466 to 432B.468,
11 inclusive, *or sections 2 to 157, inclusive, of this act*, if the identity
12 of the person responsible for reporting the abuse or neglect of the
13 child to a public agency is kept confidential and the information is
14 reasonably necessary to promote the safety, permanency and well-
15 being of the child and is limited to information concerning that
16 parent or guardian;

17 (q) The child over whom a guardianship is sought pursuant to
18 ~~chapter 159 of NRS or~~ NRS 432B.466 to 432B.468, inclusive, *or*
19 *sections 2 to 157, inclusive, of this act*, if:

20 (1) The child is 14 years of age or older; and

21 (2) The identity of the person responsible for reporting the
22 abuse or neglect of the child to a public agency is kept confidential
23 and the information is reasonably necessary to promote the safety,
24 permanency and well-being of the child;

25 (r) The persons or agent of the persons who are the subject of a
26 report, if the information is reasonably necessary to promote the
27 safety, permanency and well-being of the child and is limited to
28 information concerning those persons;

29 (s) An agency that is authorized by law to license foster homes
30 or facilities for children or to investigate persons applying for
31 approval to adopt a child, if the agency has before it an application
32 for that license or is investigating an applicant to adopt a child;

33 (t) Upon written consent of the parent, any officer of this State
34 or a city or county thereof or Legislator authorized by the agency or
35 department having jurisdiction or by the Legislature, acting within
36 its jurisdiction, to investigate the activities or programs of an agency
37 which provides child welfare services if:

38 (1) The identity of the person making the report is kept
39 confidential; and

40 (2) The officer, Legislator or a member of the family of the
41 officer or Legislator is not the person alleged to have committed the
42 abuse or neglect;

43 (u) The Division of Parole and Probation of the Department of
44 Public Safety for use pursuant to NRS 176.135 in making a



1 presentence investigation and report to the district court or pursuant
2 to NRS 176.151 in making a general investigation and report;

3 (v) Any person who is required pursuant to NRS 432B.220 to
4 make a report to an agency which provides child welfare services or
5 to a law enforcement agency;

6 (w) A local advisory board to expedite proceedings for the
7 placement of children created pursuant to NRS 432B.604;

8 (x) The panel established pursuant to NRS 432B.396 to evaluate
9 agencies which provide child welfare services;

10 (y) An employer in accordance with subsection 3 of
11 NRS 432.100;

12 (z) A team organized or sponsored pursuant to NRS 217.475 or
13 228.495 to review the death of the victim of a crime that constitutes
14 domestic violence; or

15 (aa) The Committee to Review Suicide Fatalities created by
16 NRS 439.5104.

17 3. An agency investigating a report of the abuse or neglect of a
18 child shall, upon request, provide to a person named in the report as
19 allegedly causing the abuse or neglect of the child:

20 (a) A copy of:

21 (1) Any statement made in writing to an investigator for the
22 agency by the person named in the report as allegedly causing the
23 abuse or neglect of the child; or

24 (2) Any recording made by the agency of any statement
25 made orally to an investigator for the agency by the person named in
26 the report as allegedly causing the abuse or neglect of the child; or

27 (b) A written summary of the allegations made against the
28 person who is named in the report as allegedly causing the abuse or
29 neglect of the child. The summary must not identify the person
30 responsible for reporting the alleged abuse or neglect or any
31 collateral sources and reporting parties.

32 4. Except as otherwise provided by subsection 6, before
33 releasing any information maintained by an agency which provides
34 child welfare services pursuant to this section, an agency which
35 provides child welfare services shall take whatever precautions it
36 determines are reasonably necessary to protect the identity and
37 safety of any person who reports child abuse or neglect and to
38 protect any other person if the agency which provides child welfare
39 services reasonably believes that disclosure of the information
40 would cause a specific and material harm to an investigation of the
41 alleged abuse or neglect of a child or the life or safety of any person.

42 5. The provisions of this section must not be construed to
43 require an agency which provides child welfare services to disclose
44 information maintained by the agency which provides child welfare
45 services if, after consultation with the attorney who represents the



1 agency, the agency determines that such disclosure would cause a
2 specific and material harm to a criminal investigation.

3 6. A person who is the subject of an unsubstantiated report of
4 child abuse or neglect made pursuant to this chapter and who
5 believes that the report was made in bad faith or with malicious
6 intent may petition a district court to order the agency which
7 provides child welfare services to release information maintained by
8 the agency which provides child welfare services. The petition must
9 specifically set forth the reasons supporting the belief that the report
10 was made in bad faith or with malicious intent. The petitioner shall
11 provide notice to the agency which provides child welfare services
12 so that the agency may participate in the action through its counsel.
13 The district court shall review the information which the petitioner
14 requests to be released and the petitioner shall be allowed to present
15 evidence in support of the petition. If the court determines that there
16 is a reasonable question of fact as to whether the report was made in
17 bad faith or with malicious intent and that the disclosure of the
18 identity of the person who made the report would not be likely to
19 endanger the life or safety of the person who made the report, the
20 court shall provide a copy of the information to the petitioner and
21 the original information is subject to discovery in a subsequent civil
22 action regarding the making of the report.

23 7. If an agency which provides child welfare services receives
24 any information that is deemed confidential by law, the agency
25 which provides child welfare services shall maintain the
26 confidentiality of the information as prescribed by applicable law.

27 8. Pursuant to this section, a person may authorize the release
28 of information maintained by an agency which provides child
29 welfare services about himself or herself, but may not waive the
30 confidentiality of such information concerning any other person.

31 9. An agency which provides child welfare services may
32 provide a summary of the outcome of an investigation of the alleged
33 abuse or neglect of a child to the person who reported the suspected
34 abuse or neglect.

35 10. Except as otherwise provided in this subsection, any person
36 who is provided with information maintained by an agency which
37 provides child welfare services and who further disseminates the
38 information or makes the information public is guilty of a gross
39 misdemeanor. This subsection does not apply to:

40 (a) A district attorney or other law enforcement officer who uses
41 the information solely for the purpose of initiating legal
42 proceedings;

43 (b) An employee of the Division of Parole and Probation of the
44 Department of Public Safety making a presentence investigation and



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1 report to the district court pursuant to NRS 176.135 or making a
2 general investigation and report pursuant to NRS 176.151; or

3 (c) An employee of a juvenile justice agency who provides the
4 information to the juvenile court.

5 11. An agency which provides child welfare services may
6 charge a fee for processing costs reasonably necessary to prepare
7 information maintained by the agency which provides child welfare
8 services for release pursuant to this section.

9 12. An agency which provides child welfare services shall
10 adopt rules, policies or regulations to carry out the provisions of this
11 section.

12 13. As used in this section, "juvenile justice agency" means the
13 Youth Parole Bureau or a director of juvenile services.

14 **Sec. 205.** NRS 432B.466 is hereby amended to read as
15 follows:

16 432B.466 1. If the plan adopted pursuant to NRS 432B.553
17 for the permanent placement of a child includes a request for the
18 appointment of a guardian for the child pursuant to NRS 432B.4665
19 to 432B.468, inclusive, a governmental agency, a nonprofit
20 corporation or any interested person, including, without limitation,
21 the agency that adopted the plan may petition the court for the
22 appointment of a guardian. The guardian may be appointed at a
23 hearing conducted pursuant to NRS 432B.590 or at a separate
24 hearing.

25 2. A petition for the appointment of a guardian pursuant to this
26 section:

27 (a) May not be filed before the court has determined that the
28 child is in need of protection;

29 (b) Must include the information required pursuant to ~~NRS~~
30 ~~432B.466~~ **section 25 of this act;** and

31 (c) Must include a statement explaining why the appointment of
32 a guardian, rather than the adoption of the child or the return of the
33 child to a parent, is in the best interests of the child.

34 3. In addition to the notice required pursuant to NRS
35 432B.590, a governmental agency, nonprofit corporation or
36 interested person who files a petition for the appointment of a
37 guardian must serve notice of the petition that includes a copy of the
38 petition and the date, time and location of the hearing on the
39 petition, by registered or certified mail or by personal service:

40 (a) To all the persons entitled to notice of the hearing pursuant
41 to NRS 432B.590, the parents of the child, any person or
42 governmental agency having care, custody or control over the child,
43 and, if the child is 14 years of age or older, the child; and

44 (b) At least 20 days before the hearing on the petition.



1 **Sec. 206.** NRS 432B.4665 is hereby amended to read as
2 follows:

3 432B.4665 1. The court may, upon the filing of a petition
4 pursuant to NRS 432B.466, appoint a person as a guardian for a
5 child if:

6 (a) The court finds:

7 (1) That the proposed guardian is suitable and is not
8 disqualified from guardianship pursuant to ~~NRS 159.061;~~ *section*
9 *46 of this act;*

10 (2) That the child has been in the custody of the proposed
11 guardian for 6 months or more pursuant to a determination by a
12 court that the child was in need of protection, unless the court
13 waives this requirement for good cause shown;

14 (3) That the proposed guardian has complied with the
15 requirements of ~~chapter 159 of NRS;~~ *sections 2 to 157, inclusive,*
16 *of this act;* and

17 (4) That the burden of proof set forth in ~~chapter 159 of~~
18 ~~NRS~~ *sections 2 to 157, inclusive, of this act* for the appointment of
19 a guardian for a child has been satisfied;

20 (b) The child consents to the guardianship, if the child is 14
21 years of age or older; and

22 (c) The court determines that the requirements for filing a
23 petition pursuant to NRS 432B.466 have been satisfied.

24 2. A guardianship established pursuant to this section:

25 (a) Provides the guardian with the powers and duties provided in
26 ~~NRS 159.079;~~ *section 61 of this act,* and subjects the guardian to
27 the limitations set forth in ~~NRS 159.0805;~~ *section 62 of this act;*

28 (b) Is subject to the provisions of ~~NRS 159.065 to 159.076;~~
29 *sections 50 to 58, inclusive,* and ~~159.185 to 159.199;~~ *133 to 150,*
30 *inclusive* ~~159.185 to 159.199;~~ *of this act;*

31 (c) Provides the guardian with sole legal and physical custody of
32 the child;

33 (d) Does not result in the termination of parental rights of a
34 parent of the child; and

35 (e) Does not affect any rights of the child to inheritance, a
36 succession or any services or benefits provided by the Federal
37 Government, this state or an agency or political subdivision of this
38 state.

39 **Sec. 207.** NRS 432B.468 is hereby amended to read as
40 follows:

41 432B.468 1. The court shall retain jurisdiction to enforce,
42 modify or terminate a guardianship established pursuant to NRS
43 432B.4665 until the child reaches 18 years of age.



2. Any person having a direct interest in a guardianship established pursuant to NRS 432B.4665 may move to enforce, modify or terminate an order concerning the guardianship.

3. The court shall issue an order directing the appropriate agency which provides child welfare services to file a report and make a recommendation in response to any motion to enforce, modify or terminate an order concerning a guardianship established pursuant to NRS 432B.4665. The agency must submit the report to the court within 45 days after receiving the order of the court.

4. Any motion to enforce, modify or terminate an order concerning a guardianship established pursuant to NRS 432B.4665 must comply with the provisions set forth in ~~chapter 159 of NRS~~ *sections 2 to 157, inclusive, of this act* for motions to enforce, modify or terminate orders concerning guardianships.

5. A successor guardian may be appointed in accordance with the procedures set forth in ~~chapter 159 of NRS~~ *sections 2 to 157, inclusive, of this act*.

Sec. 208. NRS 432B.550 is hereby amended to read as follows:

432B.550 1. If the court finds that a child is in need of protection, it may, by its order, after receipt and review of the report from the agency which provides child welfare services:

(a) Permit the child to remain in the temporary or permanent custody of the parents of the child or a guardian with or without supervision by the court or a person or agency designated by the court, and with or without retaining jurisdiction of the case, upon such conditions as the court may prescribe; or

(b) Place the child in the temporary or permanent custody of a relative, a fictive kin or other person the court finds suitable to receive and care for the child with or without supervision, and with or without retaining jurisdiction of the case, upon such conditions as the court may prescribe; or

(c) Place the child in the temporary custody of a public agency or institution authorized to care for children, the local juvenile probation department, the local department of juvenile services or a private agency or institution licensed by the Department of Health and Human Services or a county whose population is 100,000 or more to care for such a child.

➤ In carrying out this subsection, the court may, in its sole discretion and in compliance with the requirements of ~~chapter 159 of NRS~~ *sections 2 to 157, inclusive, of this act*, consider an application for the guardianship of the child. If the court grants such an application, it may retain jurisdiction of the case or transfer the case to another court of competent jurisdiction.



2. If, pursuant to subsection 1, a child is placed other than with a parent:

(a) The parent retains the right to consent to adoption, to determine the child's religious affiliation and to reasonable visitation, unless restricted by the court. If the custodian of the child interferes with these rights, the parent may petition the court for enforcement of the rights of the parent.

(b) The court shall set forth good cause why the child was placed other than with a parent.

3. If, pursuant to subsection 1, the child is to be placed with a relative or fictive kin, the court may consider, among other factors, whether the child has resided with a particular relative or fictive kin for 3 years or more before the incident which brought the child to the court's attention.

4. Except as otherwise provided in this subsection, a copy of the report prepared for the court by the agency which provides child welfare services must be sent to the custodian and the parent or legal guardian. If the child was delivered to a provider of emergency services pursuant to NRS 432B.630 and the location of the parent is unknown, the report need not be sent to that parent.

5. In determining the placement of a child pursuant to this section, if the child is not permitted to remain in the custody of the parents of the child or guardian:

(a) It must be presumed to be in the best interests of the child to be placed together with the siblings of the child.

(b) Preference must be given to placing the child in the following order:

(1) With any person related within the fifth degree of consanguinity to the child or a fictive kin, and who is suitable and able to provide proper care and guidance for the child, regardless of whether the relative or fictive kin resides within this State.

(2) In a foster home that is licensed pursuant to chapter 424 of NRS.

6. Any search for a relative with whom to place a child pursuant to this section must be completed within 1 year after the initial placement of the child outside of the home of the child. If a child is placed with any person who resides outside of this State, the placement must be in accordance with NRS 127.330.

7. Within 60 days after the removal of a child from the home of the child, the court shall:

(a) Determine whether:

(1) The agency which provides child welfare services has made the reasonable efforts required by paragraph (a) of subsection 1 of NRS 432B.393; or

(2) No such efforts are required in the particular case; and



(b) Prepare an explicit statement of the facts upon which its determination is based.

8. As used in this section, "fictive kin" means a person who is not related by blood to a child but who has a significant emotional and positive relationship with the child.

Sec. 209. NRS 432B.590 is hereby amended to read as follows:

432B.590 1. Except as otherwise provided in NRS 432B.513, the court shall hold a hearing concerning the permanent placement of a child:

(a) Not later than 12 months after the initial removal of the child from the home of the child and annually thereafter.

(b) Within 30 days after making any of the findings set forth in subsection 3 of NRS 432B.393.

➔ Notice of this hearing must be given by registered or certified mail to all the persons to whom notice must be given pursuant to subsection 6 of NRS 432B.580.

2. The court may require the presence of the child at the hearing and shall provide to each person to whom notice was given pursuant to subsection 1 a right to be heard at the hearing.

3. At the hearing, the court shall review any plan for the permanent placement of the child adopted pursuant to NRS 432B.553 and, if the goal of the plan is a permanent living arrangement other than reunification with his or her parents, placement for adoption, placement with a legal guardian or placement with a relative, ask the child about his or her desired permanent living arrangement. After doing so, the court must determine:

(a) Whether the agency with legal custody of the child has made the reasonable efforts required by subsection 1 of NRS 432B.553;

(b) Whether, and if applicable when:

(1) The child should be returned to the parents of the child or placed with other relatives;

(2) It is in the best interests of the child to:

(I) Initiate proceedings to terminate parental rights pursuant to chapter 128 of NRS so that the child can be placed for adoption;

(II) Initiate proceedings to establish a guardianship pursuant to ~~chapter 159 of NRS;~~ *sections 2 to 157, inclusive, of this act;* or

(III) Establish a guardianship in accordance with NRS 432B.466 to 432B.468, inclusive; or

(3) The agency with legal custody of the child has produced documentation of its conclusion that there is a compelling reason for



1 the placement of a child who has attained the age of 16 years in
2 another permanent living arrangement;

3 (c) If the child will not be returned to the parents of the child,
4 whether the agency with legal custody of the child fully considered
5 placement options both within and outside of this State;

6 (d) If the child has attained the age of 14 years, whether the
7 child will receive the services needed to assist the child in
8 transitioning to independent living; and

9 (e) If the child has been placed outside of this State, whether the
10 placement outside of this State continues to be appropriate for and in
11 the best interests of the child.

12 4. The court shall prepare an explicit statement of the facts
13 upon which each of its determinations is based pursuant to
14 subsection 3. If the court determines that it is not in the best interests
15 of the child to be returned to his or her parents, or to be placed for
16 adoption, with a legal guardian or with a relative, the court must
17 include compelling reasons for this determination and an
18 explanation of those reasons in its statement of the facts.

19 5. If the court determines that it is in the best interests of the
20 child to terminate parental rights, the court shall use its best efforts
21 to ensure that the procedures required by chapter 128 of NRS are
22 completed within 6 months after the date the court makes that
23 determination, including, without limitation, appointing a private
24 attorney to expedite the completion of the procedures.

25 6. The provisions of this section do not limit the jurisdiction of
26 the court to review any decisions of the agency with legal custody of
27 the child regarding the permanent placement of the child.

28 7. If a child has been placed outside of the home and has
29 resided outside of the home pursuant to that placement for 14
30 months of any 20 consecutive months, the best interests of the child
31 must be presumed to be served by the termination of parental rights.

32 8. This hearing may take the place of the hearing for review
33 required by NRS 432B.580.

34 9. The provision of notice and a right to be heard pursuant to
35 this section does not cause any person planning to adopt the child,
36 any sibling of the child or any other relative, any adoptive parent of
37 a sibling of the child or a provider of foster care to become a party
38 to the hearing.

39 **Sec. 210.** NRS 616C.505 is hereby amended to read as
40 follows:

41 616C.505 If an injury by accident arising out of and in the
42 course of employment causes the death of an employee in the
43 employ of an employer, within the provisions of chapters 616A to
44 616D, inclusive, of NRS, the compensation is known as a death
45 benefit and is payable as follows:



1 1. In addition to any other compensation payable pursuant to
2 chapters 616A to 616D, inclusive, of NRS, burial expenses are
3 payable in an amount not to exceed \$10,000, plus the cost of
4 transporting the remains of the deceased employee. When the
5 remains of the deceased employee and the person accompanying the
6 remains are to be transported to a mortuary or mortuaries, the charge
7 of transportation must be borne by the insurer.

8 2. Except as otherwise provided in subsection 3, to the
9 surviving spouse of the deceased employee, $66 \frac{2}{3}$ percent of the
10 average monthly wage is payable until the death of the surviving
11 spouse.

12 3. If there is a surviving spouse and any surviving children of
13 the deceased employee who are not the children of the surviving
14 spouse, the compensation otherwise payable pursuant to subsection
15 2 must be paid as follows until the entitlement of all children of the
16 deceased employee to receive compensation pursuant to this
17 subsection ceases:

18 (a) To the surviving spouse, 50 percent of the death benefit is
19 payable until the death of the surviving spouse; and

20 (b) To each child of the deceased employee, regardless of
21 whether the child is the child of the surviving spouse, the child's
22 proportionate share of 50 percent of the death benefit and, except as
23 otherwise provided in subsection 11, if the child has a guardian, the
24 compensation the child is entitled to receive may be paid to the
25 guardian.

26 4. In the event of the subsequent death of the surviving spouse:

27 (a) Each surviving child of the deceased employee, in addition
28 to any amount the child may be entitled to pursuant to subsection 3,
29 must share equally the compensation theretofore paid to the
30 surviving spouse but not in excess thereof, and it is payable until the
31 youngest child reaches the age of 18 years.

32 (b) Except as otherwise provided in subsection 11, if the
33 children have a guardian, the compensation they are entitled to
34 receive may be paid to the guardian.

35 5. If there are any surviving children of the deceased employee
36 under the age of 18 years, but no surviving spouse, then each such
37 child is entitled to his or her proportionate share of $66 \frac{2}{3}$ percent of
38 the average monthly wage for the support of the child.

39 6. Except as otherwise provided in subsection 7, if there is no
40 surviving spouse or child under the age of 18 years, there must be
41 paid:

42 (a) To a parent, if wholly dependent for support upon the
43 deceased employee at the time of the injury causing the death of the
44 deceased employee, $33 \frac{1}{3}$ percent of the average monthly wage.



(b) To both parents, if wholly dependent for support upon the deceased employee at the time of the injury causing the death of the deceased employee, 66 2/3 percent of the average monthly wage.

(c) To each brother or sister until he or she reaches the age of 18 years, if wholly dependent for support upon the deceased employee at the time of the injury causing the death of the deceased employee, his or her proportionate share of 66 2/3 percent of the average monthly wage.

7. The aggregate compensation payable pursuant to subsection 6 must not exceed 66 2/3 percent of the average monthly wage.

8. In all other cases involving a question of total or partial dependency:

(a) The extent of the dependency must be determined in accordance with the facts existing at the time of the injury.

(b) If the deceased employee leaves dependents only partially dependent upon the earnings of the deceased employee for support at the time of the injury causing his or her death, the monthly compensation to be paid must be equal to the same proportion of the monthly payments for the benefit of persons totally dependent as the amount contributed by the deceased employee to the partial dependents bears to the average monthly wage of the deceased employee at the time of the injury resulting in his or her death.

(c) The duration of compensation to partial dependents must be fixed in accordance with the facts shown, but may not exceed compensation for 100 months.

9. Compensation payable to a surviving spouse is for the use and benefit of the surviving spouse and the dependent children, and the insurer may, from time to time, apportion such compensation between them in such a way as it deems best for the interest of all dependents.

10. In the event of the death of any dependent specified in this section before the expiration of the time during which compensation is payable to the dependent, funeral expenses are payable in an amount not to exceed \$10,000.

11. If a dependent is entitled to receive a death benefit pursuant to this section and is less than 18 years of age or incompetent, the legal representative of the dependent shall petition for a guardian to be appointed for that dependent pursuant to NRS 159.044 **or section 25 of this act, as applicable.** An insurer shall not pay any compensation in excess of \$3,000, other than burial expenses, to the dependent until a guardian is appointed and legally qualified. Upon receipt of a certified letter of guardianship, the insurer shall make all payments required by this section to the guardian of the dependent until the dependent is emancipated, the guardianship terminates or the dependent reaches the age of 18 years, whichever occurs first,



1 unless paragraph (a) of subsection 12 is applicable. The fees and
2 costs related to the guardianship must be paid from the estate of the
3 dependent. A guardianship established pursuant to this subsection
4 must be administered in accordance with chapter 159 of NRS ~~H~~ *or*
5 *sections 2 to 157, inclusive, of this act, as applicable*, except that
6 after the first annual review required pursuant to NRS 159.176 ~~H~~ *or*
7 *section 127 of this act, as applicable*, a court may elect not to
8 review the guardianship annually. The court shall review the
9 guardianship at least once every 3 years. As used in this subsection,
10 "incompetent" has the meaning ascribed to it in NRS 159.019.

11 12. Except as otherwise provided in paragraphs (a) and (b), the
12 entitlement of any child to receive his or her proportionate share of
13 compensation pursuant to this section ceases when the child dies,
14 marries or reaches the age of 18 years. A child is entitled to continue
15 to receive compensation pursuant to this section if the child is:

16 (a) Over 18 years of age and incapable of supporting himself or
17 herself, until such time as the child becomes capable of supporting
18 himself or herself; or

19 (b) Over 18 years of age and enrolled as a full-time student in an
20 accredited vocational or educational institution, until the child
21 reaches the age of 22 years.

22 13. As used in this section, "surviving spouse" means a
23 surviving husband or wife who was married to the employee at the
24 time of the employee's death.

25 **Sec. 211.** NRS 628B.080 is hereby amended to read as
26 follows:

27 628B.080 1. "Private professional guardian" has the meaning
28 ascribed to it in NRS 159.024 ~~H~~ *and section 9 of this act*.

29 2. For the purposes of this chapter, the term does not include a
30 person who serves as a private professional guardian but who is
31 exempt pursuant to NRS 159.0595 or 628B.110 *or section 45 of this*
32 *act* from the requirement to have a license issued pursuant to this
33 chapter.

34 **Sec. 212.** NRS 628B.090 is hereby amended to read as
35 follows:

36 628B.090 1. "Private professional guardian company" means
37 a natural person or business entity, including, without limitation, a
38 sole proprietorship, partnership, limited-liability company or
39 corporation, that is licensed pursuant to the provisions of this
40 chapter to engage in the business of a private professional guardian,
41 whether appointed by a court or hired by a private party.

42 2. For the purposes of this chapter, the term does not include a
43 natural person or business entity which engages in the business of a
44 private professional guardian but which is exempt pursuant to



1 NRS 159.0595 or 628B.110 *or section 45 of this act* from the
2 requirement to have a license issued pursuant to this chapter.

3 **Sec. 213.** NRS 628B.100 is hereby amended to read as
4 follows:

5 628B.100 "Ward" has the meaning ascribed to it in ~~NRS~~
6 ~~159.027~~ *section 14 of this act.*

7 **Sec. 214.** NRS 628B.310 is hereby amended to read as
8 follows:

9 628B.310 1. A person wishing to engage in the business of a
10 private professional guardian in this State must file with the
11 Commissioner an application on a form prescribed by the
12 Commissioner, which must contain or be accompanied by such
13 information as is required.

14 2. A nonrefundable fee of not more than \$750 must accompany
15 the application. The applicant must also pay such reasonable
16 additional expenses incurred in the process of investigation as the
17 Commissioner deems necessary.

18 3. The application must contain:

19 (a) The name of the applicant and the name under which the
20 applicant does business or expects to do business, if different.

21 (b) The complete business and residence addresses of the
22 applicant.

23 (c) The character of the business sought to be carried on.

24 (d) The address of any location where business will be
25 transacted.

26 (e) In the case of a firm or partnership, the full name and
27 residence address of each member or partner and the manager.

28 (f) In the case of a corporation or voluntary association, the
29 name and residence address of each director and officer and the
30 manager.

31 (g) A statement by the applicant acknowledging that the
32 applicant is required to comply with the provisions of NRS
33 159.0595 *and section 45 of this act* if issued a license.

34 (h) Any other information reasonably related to the applicant's
35 qualifications for the license which the Commissioner determines to
36 be necessary.

37 4. Each application for a license must have attached to it a
38 financial statement showing the assets, liabilities and net worth of
39 the applicant.

40 5. In addition to any other requirements, each applicant or
41 member, partner, director, officer, manager or case manager of an
42 applicant shall submit to the Commissioner a complete set of
43 fingerprints and written permission authorizing the Division to
44 forward the fingerprints to the Central Repository for Nevada



1 Records of Criminal History for submission to the Federal Bureau
2 of Investigation for its report.

3 6. If the applicant is a corporation or limited-liability company,
4 the articles of incorporation or articles of organization must contain:

5 (a) The name adopted by the private professional guardian
6 company, which must distinguish it from any other private
7 professional guardian company formed or incorporated in this State
8 or engaged in the business of a private professional guardian in this
9 State; and

10 (b) The purpose for which it is formed.

11 7. The Commissioner shall deem an application to be
12 withdrawn if the Commissioner has not received all information and
13 fees required to complete the application within 6 months after the
14 date the application is submitted to the Commissioner. If an
15 application is deemed to be withdrawn pursuant to this subsection or
16 if an applicant otherwise withdraws an application, the
17 Commissioner may not issue a license to the applicant unless the
18 applicant submits a new application and pays the required fees.

19 8. The Commissioner shall adopt regulations establishing the
20 amount of the fees required pursuant to this section, subject to the
21 following limitations:

22 (a) An initial fee of not more than \$1,500 for a license to
23 transact the business of a private professional guardian; and

24 (b) A fee of not more than \$300 for each branch office that is
25 authorized by the Commissioner.

26 9. All money received by the Commissioner pursuant to this
27 section must be placed in the Investigative Account for Financial
28 Institutions created by NRS 232.545.

29 **Sec. 215.** NRS 628B.330 is hereby amended to read as
30 follows:

31 628B.330 1. Within 90 days after the application for a license
32 is filed, the Commissioner shall investigate the facts of the
33 application and the other requirements of this chapter to determine:

34 (a) That each person who will serve as a sole proprietor, partner
35 of a partnership, member of a limited-liability company or director
36 or officer of a corporation, and any person acting in a managerial or
37 case manager capacity, as applicable:

38 (1) Has a good reputation for honesty, trustworthiness and
39 integrity and displays competence to engage in the business of a
40 private professional guardian in a manner which safeguards the
41 interests of the general public. The applicant must submit
42 satisfactory proof of those qualifications, including, without
43 limitation, evidence that the applicant has passed an examination for
44 private professional guardians specified by the Commissioner.



(2) Has not been convicted of, or entered a plea of guilty or nolo contendere to, a felony or any crime involving fraud, misrepresentation, material omission, misappropriation, conversion or moral turpitude.

(3) Has not made a false statement of material fact on the application.

(4) Has not been a sole proprietor or an officer or member of the board of directors for an entity whose license issued pursuant to the provisions of this chapter was suspended or revoked within the 10 years immediately preceding the date of the application if, in the reasonable judgment of the Commissioner, there is evidence that the sole proprietor, officer or member materially contributed to the actions resulting in the suspension or revocation of the license.

(5) Has not been a sole proprietor or an officer or member of the board of directors for an entity whose license as a private professional guardian company which was issued by any other state, district or territory of the United States or any foreign country was suspended or revoked within the 10 years immediately preceding the date of the application if, in the reasonable judgment of the Commissioner, there is evidence that the sole proprietor, officer or member materially contributed to the actions resulting in the suspension or revocation of the license.

(6) Has not violated any of the provisions of this chapter or any regulations adopted pursuant thereto.

(b) That the financial status of each sole proprietor, partner, member or director and officer of the corporation and person acting in a managerial or case manager capacity indicates fiscal responsibility consistent with his or her position.

(c) That the name of the proposed business complies with all applicable statutes.

(d) That, except as otherwise provided in NRS 628B.540, the initial surety bond is not less than the amount required by NRS 159.065 **H or section 50 of this act, as applicable.**

2. In rendering a decision on an application for a license, the Commissioner shall consider, without limitation:

(a) The proposed markets to be served and, if they extend outside this State, any exceptional risk, examination or supervision concerns associated with those markets;

(b) Whether the proposed organizational and equity structure and the amount of initial equity or fidelity and surety bonds of the applicant appear adequate in relation to the proposed business and markets, including, without limitation, the average level of assets under guardianship projected for each of the first 3 years of operation; and



(c) Whether the applicant has planned suitable annual audits conducted by qualified outside auditors of its books and records and its fiduciary activities under applicable accounting rules and standards as well as suitable internal audits.

Sec. 216. NRS 628B.540 is hereby amended to read as follows:

628B.540 1. The Commissioner may require a private professional guardian company to maintain equity, fidelity and surety bonds in amounts that are more than the minimum required initially or at any subsequent time based on the Commissioner's assessment of the risks associated with the business plan of the private professional guardian or other information contained in the application, the Commissioner's investigation of the application or any examination of or filing by the private professional guardian company thereafter, including, without limitation, any examination before the opening of the business. In making such a determination, the Commissioner may consider, without limitation:

(a) The nature and type of business to be conducted by the private professional guardian company;

(b) The nature and liquidity of assets proposed to be held in the account of the private professional guardian company;

(c) The amount of fiduciary assets projected to be under the management or administration of the private professional guardian company;

(d) The type of fiduciary assets proposed to be held and any proposed depository of such assets;

(e) The complexity of the fiduciary duties and degree of discretion proposed to be undertaken by the private professional guardian company;

(f) The competence and experience of the proposed management of the private professional guardian company;

(g) The extent and adequacy of proposed internal controls;

(h) The proposed presence of annual audits by an independent certified public accountant, and the scope and frequency of such audits, whether they result in an opinion of the accountant and any qualifications to the opinion;

(i) The reasonableness of business plans for retaining or acquiring additional equity capital;

(j) The adequacy of fidelity and surety bonds and any additional insurance proposed to be obtained by the private professional guardian company for the purpose of protecting its fiduciary assets;

(k) The success of the private professional guardian company in achieving the financial projections submitted with its application for a license; and



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(l) The fulfillment by the private professional guardian company of its representations and its descriptions of its business structures and methods and management set forth in its application for a license.

2. The director or manager of a private professional guardian company shall require fidelity bonds in the amount of at least \$25,000 on the sole proprietor or each active officer, manager, member acting in a managerial or case manager capacity and employee, regardless of whether the person receives a salary or other compensation from the private professional guardian company, to indemnify the company against loss due to any dishonest, fraudulent or criminal act or omission by a person upon whom a bond is required pursuant to this section who acts alone or in combination with any other person. A bond required pursuant to this section may be in any form and may be paid for by the private professional guardian company.

3. A private professional guardian company shall obtain suitable insurance against burglary, robbery, theft and other hazards to which it may be exposed in the operation of its business.

4. A private professional guardian company shall obtain suitable surety bonds in accordance with NRS 159.065 ~~or~~ **or section 50 of this act**, as applicable.

5. The surety bond obtained pursuant to subsection 4 must be in a form approved by a court of competent jurisdiction and the Division and conditioned that the applicant conduct his or her business in accordance with the requirements of this chapter. The bond must be made and executed by the principal and a surety company authorized to write bonds in this State.

6. A private professional guardian company shall at least annually prescribe the amount or penal sum of the bonds or policies of the company and designate the sureties and underwriters thereof, after considering all known elements and factors constituting a risk or hazard. The action must be recorded in the minutes kept by the private professional guardian company and reported to the Commissioner.

7. The bond must cover all matters placed with the private professional guardian company during the term of the license or a renewal thereof.

8. An action may not be brought upon any bond after 2 years from the revocation or expiration of the license.

9. After 2 years, all liability of the surety or sureties upon the bond ceases if no action is commenced upon the bond.



1 **Sec. 217.** NRS 628B.550 is hereby amended to read as
2 follows:

3 628B.550 1. The fiduciary relationship which exists between
4 a private professional guardian and the ward of the private
5 professional guardian may not be used for the private gain of the
6 guardian other than the remuneration for fees and expenses. A
7 private professional guardian may not incur any obligation on behalf
8 of the guardianship that conflicts with the discharge of the duties of
9 the private professional guardian.

10 2. Unless prior approval is obtained from a court of competent
11 jurisdiction, a private professional guardian shall not:

12 (a) Have any interest, financial or otherwise, direct or indirect,
13 in any business transaction or activity with the guardianship.

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

16 (c) Be knowingly designated as a beneficiary on any life
17 insurance policy or pension or benefit plan of the ward unless such
18 designation was validly made by the ward before the adjudication of
19 the person's incapacity.

20 (d) Directly or indirectly purchase, rent, lease or sell any
21 property or services from or to any business entity in which the
22 private professional guardian, or the spouse or relative of the
23 guardian, is an officer, partner, director, shareholder or proprietor or
24 in which such a person has any financial interest.

25 3. Any action taken by a private professional guardian which is
26 prohibited by this section may be voided during the term of the
27 guardianship or by the personal representative of the ward's estate.
28 The private professional guardian is subject to removal and to
29 imposition of personal liability through a proceeding for discharge,
30 in addition to any other remedies otherwise available.

31 4. A court shall not appoint a private professional guardian that
32 is not licensed pursuant to this chapter as the guardian of a person or
33 estate. The court must review each guardianship involving a private
34 professional guardian on the anniversary date of the appointment of
35 the private professional guardian. If a private professional guardian
36 does not hold a current license, the court must replace the guardian
37 until such time as the private professional guardian obtains the
38 necessary license.

39 5. The provisions of NRS 159.076 *and section 58 of this act*
40 regarding summary administration do not apply to a private
41 professional guardian.

42 6. A licensee shall file any report required by the court in a
43 timely manner.



1 **Sec. 218.** NRS 628B.560 is hereby amended to read as
2 follows:

3 628B.560 1. Except as otherwise provided in NRS 159.076
4 **† and section 58 of this act**, a licensee shall maintain a separate
5 guardianship account for each ward into which all money received
6 for the benefit of the ward must be deposited. Each guardianship
7 account must be maintained in an insured bank or credit union
8 located in this State, be held in a name which is sufficient to
9 distinguish it from the personal or general checking account of the
10 licensee and be designated as a guardianship account. Each
11 guardianship account must at all times account for all money
12 received for the benefit of the ward and account for all money
13 dispersed for the benefit of the ward, and no disbursement may be
14 made from the account except as authorized under chapter 159 of
15 NRS **or sections 2 to 157, inclusive, of this act** or as authorized by
16 court order.

17 2. Each licensee shall keep a record of all money deposited in
18 each guardianship account maintained for a ward, which must
19 clearly indicate the date and from whom the money was received,
20 the date the money was deposited, the dates of withdrawals of
21 money and other pertinent information concerning the transactions.
22 Records kept pursuant to this subsection must be maintained for at
23 least 6 years after the completion of the last transaction concerning
24 the account. The records must be maintained at the premises in this
25 State at which the licensee is authorized to conduct business.

26 3. The Commissioner or his or her designee may conduct an
27 examination of the guardianship accounts and records relating to
28 wards of each private professional guardian company licensed
29 pursuant to this chapter at any time to ensure compliance with the
30 provisions of this chapter.

31 4. During the first year a private professional guardian is
32 licensed in this State, the Commissioner or his or her designee may
33 conduct any examinations deemed necessary to ensure compliance
34 with the provisions of this chapter.

35 5. If there is evidence that a private professional guardian
36 company has violated a provision of this chapter, the Commissioner
37 or his or her designee may conduct additional examinations to
38 determine whether a violation has occurred.

39 6. Each licensee shall authorize the Commissioner or his or her
40 designee to examine all books, records, papers and effects of the
41 private professional guardian company.

42 7. If the Commissioner determines that the records of a
43 licensee are not maintained in accordance with subsections 1 and 2,
44 the Commissioner may require the licensee to submit, within 60
45 days, an audited financial statement prepared from the records of the



1 licensee by a certified public accountant who holds a certificate to
2 engage in the practice of public accounting in this State. The
3 Commissioner may grant a reasonable extension of time for the
4 submission of the financial statement if an extension is requested
5 before the statement is due.

6 8. Upon the request of the Division, a licensee must provide to
7 the Division copies of any documents reviewed during an
8 examination conducted by the Commissioner or his or her designee
9 pursuant to subsection 4, 5 or 6. If the copies are not provided, the
10 Commissioner may subpoena the documents.

11 9. For each examination of the books, papers, records and
12 effects of a private professional guardian company that is required
13 or authorized pursuant to this chapter, the Commissioner shall
14 charge and collect from the private professional guardian company a
15 fee for conducting the examination and preparing a report of the
16 examination based upon the rate established by regulation pursuant
17 to NRS 658.101. Failure to pay the fee within 30 days after receipt
18 of the bill is grounds for revoking the license of the private
19 professional guardian company.

20 10. All money collected under this section must be deposited in
21 the State Treasury pursuant to the provisions of NRS 658.091.

22 **Sec. 219.** The amendatory provisions of this act apply to any
23 proceeding or matter commenced or undertaken on or after July 1,
24 2017.

25 **Sec. 220.** NRS 159.0483, 159.049, 159.052, 159.061, 159.186,
26 159.205 and 159.215 are hereby repealed.

27 **Sec. 221.** This act becomes effective on July 1, 2017.

LEADLINES OF REPEALED SECTIONS

159.0483 Attorney for minor ward or proposed minor ward.

159.049 Appointment without issuance of citation.

159.052 Temporary guardian for minor ward who is unable to respond to substantial and immediate risk of physical harm or to need for immediate medical attention: Petition for appointment; conditions; required notice; extension; limited powers.

159.061 Minor wards: Preference for appointment of parent; other considerations in determining qualifications and suitability of guardian.



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159.186 Additional limitation governing removal of guardian of minor; considerations for court in determining best interests of minor; removal of guardian of minor.

159.205 Appointment of short-term guardianship for minor child by parent: When authorized; content of written instrument; term; termination.

159.215 Guardian of person of minor child of member of Armed Forces.

