

Amendment No. 75

Senate Amendment to Senate Bill No. 20	(BDR 13-493)
<b>Proposed by:</b> Senate Committee on Judiciary	
<b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will ADD a 2/3s majority vote requirement for final passage of S.B. 20 (§ 33).

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red-strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.





## SENATE BILL NO. 20—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED NOVEMBER 15, 2018

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to guardianships. (BDR 13-493)

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

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

AN ACT relating to guardianships; enacting certain provisions of the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act; authorizing the filing of a petition for an expedited hearing to transfer a proposed protected person from a health care facility to another health care facility that provides a less restrictive level of care in certain circumstances; revising various provisions relating to guardianships; increasing the additional fee charged by county recorders to allocate additional money for legal representation for protected persons, proposed protected persons, protected minors and proposed protected minors in guardianship proceedings; authorizing a portion of such a fee to be used to pay for certain assistance to protected minors and proposed protected minors in guardianship proceedings; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Sections ~~2, 23, 3, 30~~ and 31 of this bill enact certain provisions of the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act. Sections 2 and 30 of this bill authorize a court to appoint a successor guardian for a protected person or protected minor, respectively, at any time to serve immediately or when a designated event occurs. Sections 3 and 31 of this bill authorize a court to appoint a temporary substitute guardian for a protected person or protected minor, respectively, in certain circumstances for a period of not more than 6 months.

~~Sections 4-23 enact provisions relating to protective arrangements. Section 13 of this bill authorizes: (1) a court, after a petition for guardianship for an adult has been filed, to order a protective arrangement instead of guardianship as a less restrictive alternative to guardianship; and (2) a person interested in an adult's welfare to petition the court for a protective arrangement instead of guardianship. Section 14 of this bill establishes the circumstances in which a court may issue an order for a protective arrangement instead of guardianship. Section 15 of this bill sets forth the information that a petition for a protective arrangement is required to contain, and section 16 of this bill sets forth requirements relating to notice of a hearing on such a petition.~~

— Section 17 of this bill requires a court to appoint a visitor to interview the respondent and file a report with the court, and section 18 of this bill generally requires a court to appoint an attorney to represent the respondent in certain circumstances. Section 19 of this bill requires the court to order a professional evaluation of the respondent in certain circumstances at or before a hearing on a petition for a protective arrangement.

— Section 20 of this bill generally prohibits a hearing on a petition for a protective arrangement from proceeding unless the respondent attends the hearing. Section 21 of this bill requires the court to give notice of an order for a protective arrangement to certain persons. Section 22 of this bill sets forth provisions relating to the confidentiality of the records concerning a protective arrangement and proceedings relating to a protective arrangement. Section 23 of this bill authorizes the court to appoint a master of the court to assist in implementing a protective arrangement.]

Existing law authorizes certain persons to file a petition for the appointment of a guardian for a proposed protected person. (NRS 159.044) Section 3.5 of this bill provides that if a person who files such a petition reasonably believes that it is appropriate to discharge the proposed protected person from a health care facility for the purpose of transferring the proposed protected person to a more appropriate health care facility that provides a less restrictive level of care, the person must petition the court for an expedited hearing to determine whether such a transfer is appropriate and must include certain information in such a petition. Section 3.5 also provides that a person may not petition the court for an expedited hearing if the person believes that a proposed protected person should be transferred to: (1) a health care facility outside this State; (2) with certain exceptions, a health care facility outside the judicial district in which a petition for the appointment of a guardian is filed; or (3) a secured residential long-term care facility.

Existing law authorizes a court to appoint a temporary guardian for certain proposed protected persons and extend the appointment of a temporary guardian in certain circumstances. (NRS 159.0523) Section 23.3 of this bill requires a court to limit the authority of a temporary guardian to that which is necessary to perform any actions required to ensure the health, safety or care of a proposed protected person, including applying for Medicaid or other appropriate assistance, coverage or support for the protected person. Section 23.3 also authorizes a court to consider the actions taken by a temporary guardian to carry out any requested activities for the benefit of a proposed protected person during the temporary guardianship when the court is making a determination regarding the extension of a temporary guardianship or the issuance of any ex parte or emergency order.

Existing law requires, with certain exceptions, a proposed protected person who is found in this State to attend the hearing for the appointment of a guardian. (NRS 159.0535) Section 23.7 of this bill provides an additional exception to such a requirement by authorizing the proposed protected person, through counsel, to waive his or her appearance. Existing law also authorizes a proposed protected person or proposed protected minor who cannot attend the hearing for the appointment of a guardian to appear by videoconference. (NRS 159.0535, 159A.0535) Sections 23.7 and 31.5 of this bill additionally authorize a proposed protected person or proposed protected minor, respectively, to appear by any other means that uses audio-video communication or by telephone. Existing law further establishes provisions relating to the duties of certain persons if a proposed protected person cannot attend a hearing for the appointment of a guardian by videoconference. (NRS 159.0535) Section 23.7 removes such provisions.

Existing law generally requires that before a guardian moves a protected person, the guardian must file a notice with the court of his or her intent to move the protected person and serve notice upon all interested persons. (NRS 159.0807) **Section 25** of this bill revises various provisions relating to such a requirement.

Existing law requires a guardian of the person to make a written report containing certain information, file the report with the court and serve the report on the protected person and any attorney for the protected person. (NRS 159.081) **Section 26** of this bill authorizes the court to waive the requirement that the report must be served on the protected person upon a showing ~~[of certain facts.]~~ that such service is detrimental to the physical or mental health of the protected person. Section 26 also revises provisions relating to the information required to be included in the report.

Existing law: (1) authorizes a guardian to sell the personal property of a protected person in certain circumstances; and (2) requires that the family members of the protected person and any interested persons be offered the first right of refusal to acquire such personal property at fair market value. (NRS 159.154) **Section 27** of this bill provides that: (1) claims by family members and interested persons to acquire the property must be considered in a certain order of priority; and (2) if multiple claims are received from the same priority group and an agreement cannot be reached after good faith efforts have been made, the guardian is authorized to sell the property.

Existing law requires a guardian to retain receipts or vouchers for all expenditures and further requires: (1) a public guardian to produce such receipts or vouchers upon the request of the court or certain other persons; and (2) all other guardians to file such receipts or vouchers with the court in certain circumstances. (NRS 159.179) **Section 28** of this bill instead requires all guardians to produce such receipts or vouchers upon the request of the court or certain other persons and file such receipts or vouchers with the court only if the court orders the filing.

Existing law requires a county recorder to charge and collect, in addition to any other fee a county recorder is authorized to collect, a fee of \$5 in certain circumstances and to pay the amount of such fees collected to the county treasurer on a monthly basis. Existing law requires the county treasurer to remit \$3 from each such additional fee received to: (1) the organization operating the program for legal services for the indigent in the judicial district to provide legal services for protected persons or proposed protected persons in guardianship proceedings and, if sufficient funding exists, protected minors or proposed protected minors in guardianship proceedings; or (2) if such an organization does not exist in the judicial district, to an account for the use of the district court to pay for attorneys to represent protected persons and proposed protected persons who do not have the ability to pay for an attorney. (NRS 247.305) Section 33 of this bill increases the amount paid to such an organization or account from \$3 to \$4, thereby increasing the additional fee charged by a county recorder from \$5 to \$6. Existing law also requires a county treasurer to remit \$1 from each additional fee received from a county recorder to an account for the use of the district court to pay the compensation of investigators appointed in a guardianship proceeding concerning a proposed protected minor. (NRS 247.305) Section 33 provides that such money may also be used to pay for attorneys and self-help assistance for protected minors and proposed protected minors in guardianship proceedings.

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

**Section 1.** Chapter 159 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 ~~to 23, inclusive,~~ **3 and 3.5** of this act.

**Sec. 2. 1. The court at any time may appoint a successor guardian to serve immediately or when a designated event occurs.**

**2. A person entitled under NRS 159.044 to petition the court to appoint a guardian may petition the court to appoint a successor guardian.**

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

**(a) The event occurs; and**

**(b) The successor has taken the official oath and filed a bond as provided in this chapter, and letters of guardianship have been issued.**

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

**5. The revocation of letters of guardianship by the court or any other court action to suspend the authority of a guardian may be considered to be a designated event for the purposes of this section if the revocation or suspension**

1 of authority is based on the guardian's noncompliance with his or her duties and  
2 responsibilities as provided by law.

3 **Sec. 3. 1. The court may appoint a temporary substitute guardian for a**  
4 **protected person for a period not exceeding 6 months if:**

5 (a) A proceeding to remove a guardian for the protected person is pending;  
6 or

7 (b) The court finds a guardian is not effectively performing the guardian's  
8 duties and the welfare of the protected person requires immediate action.

9 2. Except as otherwise ordered by the court, a temporary substitute  
10 guardian appointed under this section has the powers stated in the order of  
11 appointment of the guardian. The authority of the existing guardian is suspended  
12 for as long as the temporary substitute guardian has authority.

13 3. The court shall give notice of appointment of a temporary substitute  
14 guardian, not later than 5 days after the appointment, to:

15 (a) The protected person; and

16 (b) The affected guardian.

17 4. The court may remove a temporary substitute guardian at any time. The  
18 temporary substitute guardian shall make any report the court requires.

19 **Sec. 3.5. 1. Except as otherwise provided in subsection 2, if a person who**  
20 **files a petition for the appointment of a guardian pursuant to NRS 159.044**  
21 **reasonably believes that it is appropriate to discharge the proposed protected**  
22 **person from a health care facility for the purpose of transferring the proposed**  
23 **protected person to a more appropriate health care facility that provides a less**  
24 **restrictive level of care, the person must petition the court for an expedited**  
25 **hearing to determine the appropriateness of such a transfer upon a showing of**  
26 **good cause, as set forth in the petition for an expedited hearing. If a person files**  
27 **a petition for an expedited hearing pursuant to this subsection, he or she shall**  
28 **include, without limitation, the following information in the petition:**

29 (a) The name and address of the health care facility to which the proposed  
30 protected person will be transferred;

31 (b) The level of care that will be provided by the health care facility to which  
32 the proposed protected person will be transferred;

33 (c) The anticipated date of the transfer of the proposed protected person;

34 (d) The source of payment that will be used to pay for the placement of the  
35 proposed protected person in the health care facility to which he or she will be  
36 transferred; and

37 (e) A statement signed by the attending provider of health care of the  
38 proposed protected person and an independent physician that:

39 (1) Verifies that the transfer of the proposed protected person is  
40 medically appropriate and advisable and is in the best interests of the proposed  
41 protected person;

42 (2) Describes the way in which, given the condition and needs of the  
43 proposed protected person, the level of care that will be provided by the new  
44 health care facility is more appropriate for the care and treatment of the proposed  
45 protected person than the level of care of provided by the health care facility in  
46 which the proposed protected person is currently placed; and

47 (3) States specific facts and circumstances to demonstrate why the  
48 transfer of the proposed protected person to the new health care facility must  
49 occur in an expedited manner and cannot be delayed.

50 2. A person may not petition the court for an expedited hearing pursuant to  
51 subsection 1 if he or she believes that a proposed protected person should be  
52 transferred to:

53 (a) A health care facility outside this State;

(b) Except as otherwise provided in subsection 3, a health care facility outside the judicial district in which the petition for the appointment of a guardian is filed; or

(c) A secured residential long-term care facility.

3. If a health care facility that offers the appropriate level of care for a proposed protected person does not exist in the judicial district in which the petition for the appointment of a guardian is filed, or if such a health care facility exists in the judicial district but is not available to accommodate the proposed protected person, the court may approve the placement of the proposed protected person in a health care facility outside the judicial district if the placement is in the health care facility offering the appropriate level of practicable care that is nearest to the place of residence of the proposed protected person.

~~Sec. 4. [As used in sections 4 to 23, inclusive, of this act, the words and terms defined in sections 5 to 12, inclusive, of this act have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

~~Sec. 5. [“Adult” means a person at least 18 years of age or an emancipated person under 18 years of age.] (Deleted by amendment.)~~

~~Sec. 6. [“Less restrictive alternative” means an approach to meeting a person’s needs which restricts fewer rights of the person than would the appointment of a guardian. The term includes supported decision making, appropriate technological assistance, appointment of a representative payee and appointment of an agent by the person, including appointment under a power of attorney for health care or power of attorney for finances.] (Deleted by amendment.)~~

~~Sec. 7. [“Parent” does not include a person whose parental rights have been terminated.] (Deleted by amendment.)~~

~~Sec. 8. [“Property” includes tangible and intangible property.] (Deleted by amendment.)~~

~~Sec. 9. [“Protective arrangement instead of guardianship” means a court order entered under section 14 of this act.] (Deleted by amendment.)~~

~~Sec. 10. [“Record,” used as a noun, means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.] (Deleted by amendment.)~~

~~Sec. 11. [“Respondent” means a person for whom appointment of a guardian or a protective arrangement instead of guardianship is sought.] (Deleted by amendment.)~~

~~Sec. 12. [“Supported decision making” means assistance from one or more other persons of a person’s choosing in understanding the nature and consequences of potential personal and financial decisions, which enables the person to make the decisions, and in communicating a decision once made if consistent with the person’s wishes.] (Deleted by amendment.)~~

~~Sec. 13. [1. Under sections 13 to 23, inclusive, of this act, a court, on receiving a petition for a guardianship for an adult, may order a protective arrangement instead of guardianship as a less restrictive alternative to guardianship.~~

~~2. A person interested in an adult’s welfare, including the adult, may petition under sections 13 to 23, inclusive, of this act for a protective arrangement instead of guardianship.] (Deleted by amendment.)~~

~~Sec. 14. [1. After the hearing on a petition under NRS 159.044 for a guardianship or under subsection 2 of section 13 of this act for a protective arrangement instead of guardianship, the court may issue an order under subsection 2 for a protective arrangement instead of guardianship if the court finds by clear and convincing evidence that:~~

~~1 (a) The respondent lacks the ability to meet essential requirements for~~  
~~2 physical health, safety or self-care because the respondent is unable to receive~~  
~~3 and evaluate information or make or communicate decisions, even with~~  
~~4 appropriate supportive services, technological assistance or supported decision-~~  
~~5 making; and~~

~~6 (b) The respondent's identified needs cannot be met by a less restrictive~~  
~~7 alternative.~~

~~8 2. If the court makes the findings under subsection 1, the court, instead of~~  
~~9 appointing a guardian, may:~~

~~10 (a) Authorize or direct a transaction necessary to meet the respondent's need~~  
~~11 for health, safety or care, including:~~

~~12 (1) A particular medical treatment or refusal of a particular medical~~  
~~13 treatment;~~

~~14 (2) A move to a specified place of dwelling; or~~

~~15 (3) Visitation or supervised visitation between the respondent and~~  
~~16 another person;~~

~~17 (b) Restrict access to the respondent by a specified person whose access~~  
~~18 places the respondent at serious risk of physical, psychological or financial harm;~~  
~~19 and~~

~~20 (c) Order other arrangements on a limited basis that are appropriate.~~

~~21 3. In deciding whether to issue an order under this section, the court shall~~  
~~22 consider the factors which a guardian must consider when making a decision on~~  
~~23 behalf of a protected person.] (Deleted by amendment.)~~

~~24 Sec. 15. [A petition for a protective arrangement instead of guardianship~~  
~~25 must state the petitioner's name, age, principal residence, current street address, if~~  
~~26 different, relationship to the respondent, interest in the protective arrangement,~~  
~~27 the name and address of any attorney representing the petitioner and, to the~~  
~~28 extent known, the following:]~~

~~29 1. The respondent's name, age, principal residence, current street address,~~  
~~30 if different, and, if different, address of the dwelling in which it is proposed the~~  
~~31 respondent will reside if the petition is granted;~~

~~32 2. The name and address of the respondent's:~~

~~33 (a) Spouse or domestic partner or, if the respondent has none, an adult with~~  
~~34 whom the respondent has shared household responsibilities for more than 6~~  
~~35 months in the 12-month period before the filing of the petition;~~

~~36 (b) Adult children or, if none, each parent and adult sibling of the~~  
~~37 respondent, or, if none, at least one adult nearest in kinship to the respondent~~  
~~38 who can be found with reasonable diligence; and~~

~~39 (c) Adult stepchildren whom the respondent actively parented during the~~  
~~40 stepchildren's minor years and with whom the respondent had an ongoing~~  
~~41 relationship in the 2-year period immediately before the filing of the petition;~~

~~42 3. The name and current address of each of the following, if applicable:~~

~~43 (a) A person responsible for the care or custody of the respondent;~~

~~44 (b) Any attorney currently representing the respondent;~~

~~45 (c) The representative payee appointed by the Social Security Administration~~  
~~46 for the respondent;~~

~~47 (d) A guardian acting for the respondent in this State or another jurisdiction;~~

~~48 (e) A trustee or custodian of a trust or custodianship of which the respondent~~  
~~49 is a beneficiary;~~

~~50 (f) The fiduciary appointed for the respondent by the Department of Veterans~~  
~~51 Affairs;~~

~~52 (g) An agent designated under a power of attorney for health care in which~~  
~~53 the respondent is identified as the principal;~~



~~—(h) An agent designated under a power of attorney for finances in which the respondent is identified as the principal;~~

~~—(i) A person nominated as guardian by the respondent;~~

~~—(j) A person nominated as guardian by the respondent's parent, spouse or domestic partner in a will or other signed record; and~~

~~—(k) A person known to have routinely assisted the respondent with decision-making in the 6-month period immediately before the filing of the petition;~~

~~—4. The nature of the protective arrangement sought;~~

~~—5. The reason the protective arrangement sought is necessary, including a brief description of;~~

~~—(a) The nature and extent of the respondent's alleged need;~~

~~—(b) Any less restrictive alternative for meeting the respondent's alleged need which has been considered or implemented;~~

~~—(c) If no less restrictive alternative has been considered or implemented, the reason less restrictive alternatives have not been considered or implemented; and~~

~~—(d) The reason other less restrictive alternatives are insufficient to meet the respondent's alleged need;~~

~~—6. The name and current address, if known, of any person with whom the petitioner seeks to limit the respondent's contact;~~

~~—7. Whether the respondent needs an interpreter, translator or other form of support to communicate effectively with the court or understand court proceedings;~~

~~—8. If the respondent has property other than personal effects, a general statement of the respondent's property with an estimate of its value, including any insurance or pension, and the source and amount of any other anticipated income or receipts; and~~

~~—9. A general statement of the respondent's property with an estimate of its value, including any insurance or pension, and the source and amount of other anticipated income or receipts.] (Deleted by amendment.)~~

**Sec. 16. [1. On filing of a petition under section 13 of this act, the court shall set a date, time and place for a hearing on the petition.**

~~—2. A copy of a petition under section 13 of this act and notice of a hearing on the petition must be served personally on the respondent. The notice must inform the respondent of the respondent's rights at the hearing, including the right to an attorney and to attend the hearing. The notice must include a description of the nature, purpose and consequences of granting the petition. The court may not grant the petition if notice substantially complying with this subsection is not served on the respondent.~~

~~—3. In a proceeding on a petition under section 13 of this act, the notice required under subsection 2 must be given to the persons required to be listed in the petition under subsections 1, 2 and 3 of section 15 of this act and any other person interested in the respondent's welfare the court determines. Failure to give notice under this subsection does not preclude the court from granting the petition.~~

~~—4. After the court has ordered a protective arrangement under sections 13 to 23, inclusive, of this act, notice of a hearing on a petition filed under this chapter, together with a copy of the petition, must be given to the respondent and any other person the court determines.] (Deleted by amendment.)~~

**Sec. 17. [1. On filing of a petition under section 13 of this act for a protective arrangement instead of guardianship, the court shall appoint a visitor. The visitor must be a person with training or experience in the type of abilities, limitations and needs alleged in the petition.**

~~2. A visitor appointed under subsection 1 shall interview the respondent in person and, in a manner the respondent is best able to understand:~~

~~(a) Explain to the respondent the substance of the petition, the nature, purpose and effect of the proceeding and the respondent's rights at the hearing on the petition;~~

~~(b) Determine the respondent's views with respect to the order sought;~~

~~(c) Inform the respondent of the respondent's right to employ and consult with an attorney at the respondent's expense and the right to request a court-appointed attorney;~~

~~(d) Inform the respondent that all costs and expenses of the proceeding, including respondent's attorney's fees, may be paid from the respondent's assets;~~

~~(e) If the petitioner seeks an order related to the dwelling of the respondent, visit the respondent's present dwelling and any dwelling in which it is reasonably believed the respondent will live if the order is granted;~~

~~(f) Obtain information from any physician or other person known to have treated, advised or assessed the respondent's relevant physical or mental condition; and~~

~~(g) Investigate the allegations in the petition and any other matter relating to the petition the court directs.~~

~~3. A visitor under this section promptly shall file a report in a record with the court, which must include:~~

~~(a) A recommendation whether an attorney should be appointed to represent the respondent;~~

~~(b) To the extent relevant to the order sought, a summary of self-care, independent living tasks and financial management tasks the respondent:~~

~~(1) Can manage without assistance or with existing supports;~~

~~(2) Could manage with the assistance of appropriate supportive services, technological assistance or supported decision making; and~~

~~(3) Cannot manage;~~

~~(c) A recommendation regarding the appropriateness of the protective arrangement sought and whether a less restrictive alternative for meeting the respondent's needs is available;~~

~~(d) If the petition seeks to change the physical location of the dwelling of the respondent, a statement whether the proposed dwelling meets the respondent's needs and whether the respondent has expressed a preference as to the respondent's dwelling;~~

~~(e) A recommendation whether a professional evaluation under section 19 of this act is necessary;~~

~~(f) A statement whether the respondent is able to attend a hearing at the location court proceedings typically are held;~~

~~(g) A statement whether the respondent is able to participate in a hearing and which identifies any technology or other form of support that would enhance the respondent's ability to participate; and~~

~~(h) Any other matter the court directs. (Deleted by amendment.)~~

**Sec. 18. [1. Unless an attorney has already been appointed pursuant to NRS 159.0485, the court shall appoint an attorney to represent the respondent in a proceeding under sections 13 to 23, inclusive, of this act if:**

**(a) The respondent requests the appointment;**

**(b) The visitor recommends the appointment; or**

**(c) The court determines the respondent needs representation.**

**2. An attorney representing the respondent in a proceeding under sections 13 to 23, inclusive, of this act shall:**

**(a) Make reasonable efforts to ascertain the respondent's wishes;**

~~1. (b) Advocate for the respondent's wishes to the extent reasonably ascertainable; and~~

~~2. (c) If the respondent's wishes are not reasonably ascertainable, advocate for the result that is the least restrictive alternative in type, duration and scope, consistent with the respondent's interests.~~ **(Deleted by amendment.)**

**Sec. 19.** ~~1. At or before a hearing on a petition under sections 13 to 23, inclusive, of this act for a protective arrangement, the court shall order a professional evaluation of the respondent;~~

~~2. (a) If the respondent requests the evaluation; or~~

~~3. (b) In other cases, unless the court finds that it has sufficient information to determine the respondent's needs and abilities without the evaluation.~~

~~4. 2. If the court orders an evaluation under subsection 1, the respondent must be examined by a licensed physician, psychologist, social worker or other person appointed by the court who is qualified to evaluate the respondent's alleged cognitive and functional abilities and limitations and will not be advantaged or disadvantaged by a decision to grant the petition or otherwise have a conflict of interest. The person conducting the evaluation promptly shall file a report in a record with the court. Unless otherwise directed by the court, the report must contain:~~

~~5. (a) A description of the nature, type and extent of the respondent's cognitive and functional abilities and limitations;~~

~~6. (b) An evaluation of the respondent's mental and physical condition and, if appropriate, educational potential, adaptive behavior and social skills;~~

~~7. (c) A prognosis for improvement, including with regard to the ability to manage the respondent's property and financial affairs if a limitation in that ability is alleged, and recommendation for the appropriate treatment, support or habilitation plan; and~~

~~8. (d) The date of the examination on which the report is based.~~

~~9. 3. The respondent may decline to participate in an evaluation ordered under subsection 1.~~ **(Deleted by amendment.)**

**Sec. 20.** ~~1. Except as otherwise provided in subsection 2, a hearing under sections 13 to 23, inclusive, of this act may not proceed unless the respondent attends the hearing. If it is not reasonably feasible for the respondent to attend a hearing at the location court proceedings typically are held, the court shall make reasonable efforts to hold the hearing at an alternative location convenient to the respondent or allow the respondent to attend the hearing using real-time audio-visual technology.~~

~~2. A hearing under sections 13 to 23, inclusive, of this act may proceed without the respondent in attendance if the court finds by clear and convincing evidence that:~~

~~3. (a) The respondent consistently and repeatedly has refused to attend the hearing after having been fully informed of the right to attend and the potential consequences of failing to do so; or~~

~~4. (b) There is no practicable way for the respondent to attend and participate in the hearing even with appropriate supportive services and technological assistance.~~

~~5. 3. The respondent may be assisted in a hearing under sections 13 to 23, inclusive, of this act by a person or persons of the respondent's choosing, assistive technology or an interpreter or translator, or a combination of these supports. If assistance would facilitate the respondent's participation in the hearing, but is not otherwise available to the respondent, the court shall make reasonable efforts to provide it.~~

~~4. The respondent has a right to choose an attorney to represent the respondent at a hearing under sections 13 to 23, inclusive, of this act.~~

~~5. At a hearing under sections 13 to 23, inclusive, of this act, the respondent may:~~

~~(a) Present evidence and subpoena witnesses and documents;~~

~~(b) Examine witnesses, including any court-appointed evaluator and the visitor; and~~

~~(c) Otherwise participate in the hearing.~~

~~6. A hearing under sections 13 to 23, inclusive, of this act must be closed on request of the respondent and a showing of good cause.~~

~~7. Any person may request to participate in a hearing under sections 13 to 23, inclusive, of this act. The court may grant the request, with or without a hearing, on determining that the best interest of the respondent will be served. The court may impose appropriate conditions on the person's participation.]~~

~~(Deleted by amendment.)~~

~~Sec. 21. [The court shall give notice of an order under sections 13 to 23, inclusive, of this act to the person who is subject to the protective arrangement instead of guardianship, a person whose access to the person who is subject to the protective arrangement is restricted by the order, and any other person the court determines.] (Deleted by amendment.)~~

~~Sec. 22. [1. The existence of a proceeding for or the existence of a protective arrangement instead of guardianship is a matter of public record unless the court seals the record after:~~

~~(a) The respondent or the person subject to the protective arrangement requests the record be sealed; and~~

~~(b) Either:~~

~~(1) The proceeding is dismissed;~~

~~(2) The protective arrangement is no longer in effect; or~~

~~(3) An act authorized by the order granting the protective arrangement has been completed.~~

~~2. A respondent, a person subject to a protective arrangement instead of guardianship, an attorney designated by the respondent or person subject to a protective arrangement and any other person the court determines are entitled to access court records of the proceeding and resulting protective arrangement. A person not otherwise entitled to access to court records under this subsection for good cause may petition the court for access. The court shall grant access if access is in the best interest of the respondent or person subject to the protective arrangement or furthers the public interest and does not endanger the welfare or financial interests of the respondent or person subject to the protective arrangement.~~

~~3. A report of a visitor or professional evaluation generated in the course of a proceeding under sections 13 to 23, inclusive, of this act must be sealed on filing but is available to:~~

~~(a) The court;~~

~~(b) The person who is the subject of the report or evaluation, without limitation as to use;~~

~~(c) The petitioner, visitor and petitioner's and respondent's attorneys, for purposes of the proceeding;~~

~~(d) Unless the court orders otherwise, an agent appointed under a power of attorney for finances in which the respondent is the principal;~~

~~(e) Unless the court orders otherwise, an agent appointed under a power of attorney for health care in which the respondent is identified as the principal; and~~

~~(f) Any other person if it is in the public interest or for a purpose the court orders for good cause.} (Deleted by amendment.)~~

~~Sec. 23. [The court may appoint a master of the court to assist in implementing a protective arrangement under sections 13 to 23, inclusive, of this act. The master of the court has the authority conferred by the order of appointment and serves until discharged by court order.} (Deleted by amendment.)~~

Sec. 23.3. NRS 159.0523 is hereby amended to read as follows:

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

(a) Documentation which shows the proposed protected person faces a substantial and immediate risk of physical harm or needs immediate medical attention and lacks capacity to respond to the risk of harm or obtain the necessary medical attention. Such documentation must include, without limitation, 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 police report indicating:

(1) That the proposed protected person is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention;

(2) Whether the proposed protected person presents a danger to himself or herself or others; and

(3) Whether the proposed protected person is or has been subjected to abuse, neglect, exploitation, isolation or abandonment; and

(b) Facts which show that:

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

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

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

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

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

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

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

4. If, before the appointment of a temporary guardian, the court determined that advance notice was not required pursuant to subparagraph (2) of paragraph (b)

1 of subsection 1, the petitioner shall notify the persons entitled to notice pursuant to  
2 NRS 159.047 without undue delay, but not later than 48 hours after the  
3 appointment of the temporary guardian or not later than 48 hours after the petitioner  
4 discovers the existence, identity and location of the persons entitled to notice  
5 pursuant to that section. If the petitioner fails to provide such notice, the court may  
6 terminate the temporary guardianship.

7 5. Not later than 10 days after the date of the appointment of a temporary  
8 guardian pursuant to subsection 2, the court shall hold a hearing to determine the  
9 need to extend the temporary guardianship. Except as otherwise provided in  
10 subsection 7, the court may extend the temporary guardianship until a general or  
11 special guardian is appointed pursuant to subsection 8 if:

12 (a) The court finds by clear and convincing evidence that the proposed  
13 protected person is unable to respond to a substantial and immediate risk of  
14 physical harm or to a need for immediate medical attention; and

15 (b) The extension of the temporary guardianship is necessary and in the best  
16 interests of the proposed protected person.

17 6. If the court appoints a temporary guardian or extends the temporary  
18 guardianship pursuant to this section, the court shall limit the ~~{powers}~~ authority of  
19 the temporary guardian to ~~{those}~~ that which is necessary to ~~{respond}~~ perform any  
20 actions required to ensure the health, safety or care of a proposed protected  
21 person, including, without limitation:

22 (a) Responding to the substantial and immediate risk of physical harm or to a  
23 need for immediate medical attention {;} and

24 (b) Applying for Medicaid or other appropriate assistance, coverage or  
25 support for the proposed protected person for the purpose of providing adequate  
26 care for and ensuring the appropriate placement of the proposed protected  
27 person.

28 7. The court may not extend a temporary guardianship pursuant to subsection  
29 5 beyond the initial period of 10 days unless the petitioner demonstrates that:

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

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

33 8. The court may extend the temporary guardianship, for good cause shown,  
34 for not more than two successive 60-day periods, except that the court shall not  
35 cause the temporary guardianship to continue longer than 5 months unless  
36 extraordinary circumstances are shown.

37 9. If a court is making a determination regarding the extension of a  
38 temporary guardianship or the issuance of any ex parte or emergency order, the  
39 court may consider the actions taken by a temporary guardian to carry out any  
40 requested activities for the benefit of a proposed protected person during the  
41 temporary guardianship.

42 Sec. 23.7. NRS 159.0535 is hereby amended to read as follows:

43 159.0535 1. A proposed protected person who is found in this State must  
44 attend the hearing for the appointment of a guardian unless:

45 (a) A certificate signed by a physician or psychiatrist who is licensed to  
46 practice in this State or who is employed by the Department of Veterans Affairs  
47 specifically states the condition of the proposed protected person, the reasons why  
48 the proposed protected person is unable to appear in court and whether the  
49 attendance of the proposed protected person at the hearing would be detrimental to  
50 the physical or mental health of the proposed protected person; ~~{or}~~

51 (b) A certificate signed by any other person the court finds qualified to execute  
52 a certificate states the condition of the proposed protected person, the reasons why  
53 the proposed protected person is unable to appear in court and whether the

attendance of the proposed protected person at the hearing would be detrimental to the physical or mental health of the proposed protected person. ~~[4]; or~~

(c) The proposed protected person, through court-appointed or retained counsel, waives his or her appearance.

2. A proposed protected person found in this State who cannot attend the hearing for the appointment of a temporary, general or special guardian as set forth in a certificate pursuant to subsection 1 may appear by telephone or by videoconference. ~~[5. If the proposed protected person cannot attend by videoconference, the person who signs the certificate described in subsection 1 or any other person the court finds qualified shall~~

~~(a) Inform the proposed protected person that the petitioner is requesting that the court appoint a guardian for the proposed protected person;~~

~~(b) Ask the proposed protected person for a response to the guardianship petition; and~~

~~(c) Ask the preferences of the proposed protected person for the appointment of a particular person as the guardian of the proposed protected person.] or any other means that uses audio-video communication.~~

3. ~~[The person who informs the proposed protected person of the rights of the proposed protected person pursuant to subsection 2 shall state in a certificate signed by that person:~~

~~(a) The responses of the proposed protected person to the questions asked pursuant to subsection 2; and~~

~~(b) Any conditions that the person believes may have limited the responses by the proposed protected person.~~

~~4. The court may prescribe the form in which a certificate required by this section must be filed. If the certificate consists of separate parts, each part must be signed by the person who is required to sign the certificate.~~

~~5.] If the proposed protected person is not in this State, the proposed protected person must attend the hearing only if the court determines that the attendance of the proposed protected person is necessary in the interests of justice.~~

4. As used in this section, "audio-video communication" means communication by which a person is able to see, hear and communicate with another person in real time using electronic means.

**Sec. 24.** NRS 159.079 is hereby amended to read as follows:

159.079 1. Except as otherwise ordered by the court, a guardian of the person has the care, custody and control of the person of the protected person, 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 person, including, without limitation, the following:

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

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

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

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

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



protected person except to the extent that the estate of the protected person is sufficient to reimburse the guardian.

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

4. A guardian of the person may, subject to the provisions of subsection 6 and NRS 159.0807, establish and change the residence of the protected person at any place within this State. The guardian shall select the least restrictive appropriate residence which is available and necessary to meet the needs of the protected person and which is financially feasible.

5. A guardian of the person shall petition the court for an order authorizing the guardian to change the residence of the protected person to a location outside of this State. The guardian must show that the placement outside of this State is in the best interest of the protected person or that there is no appropriate residence available for the protected person in this State. The court shall retain jurisdiction over the guardianship unless the guardian files for termination of the guardianship pursuant to NRS 159.1905 or 159.191 or the jurisdiction of the guardianship is transferred to the other state.

6. A guardian of the person must file a notice with the court of his or her intent to move a protected person to or place a protected person in a secured residential long-term care facility pursuant to subsection 4 of NRS 159.0807 unless the secured residential long-term care facility is in this State and:

(a) An emergency condition exists pursuant to *paragraph (a) of* ~~§~~ 4 of NRS 159.0807;

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

(c) The move or placement is made 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.

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.

8. As used in this section "protective services" has the meaning ascribed to it in NRS 200.5092.

**Sec. 25.** NRS 159.0807 is hereby amended to read as follows:

159.0807 1. Every protected person has the right, if possible, to:

(a) Have his or her preferences followed; and

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

2. Except as otherwise provided in subsection ~~§~~ 4, a proposed protected person must not be moved until a guardian is appointed.

3. Except as otherwise provided in this section and subsections 5 and 6 of NRS 159.079, the guardian shall notify all interested persons in accordance with subsection 4 ~~before~~ *if* the protected person:

(a) Is admitted to ~~a secured~~ *any* residential long-term care facility;

(b) Changes his or her residence, including, without limitation, to or from one ~~secured~~ residential long-term care facility to another; or



1 (c) ~~[Will reside at a location other than his or her residence for more than 3~~  
2 ~~days.] Is admitted to a hospital or is temporarily placed in a facility that provides~~  
3 ~~rehabilitative services.~~

4 4. Except as otherwise provided in this section and subsections 5 and 6 of  
5 NRS 159.079, a guardian shall file with the court a notice of his or her intent to  
6 move the protected person *to a higher level of care* and shall serve notice upon all  
7 interested persons not less than 10 days before moving the protected person ~~[ ]~~  
8 *unless:*

9 (a) *An emergency condition exists, including, without limitation, an*  
10 *emergency condition that presents a risk of imminent harm to the health or safety*  
11 *of the protected person, and the protected person will be unable to return to his or*  
12 *her residence for a period of more than 24 hours;*

13 (b) *The move or change in placement is made pursuant to a written*  
14 *recommendation by a licensed physician, a physician employed by the*  
15 *Department of Veterans Affairs, a licensed social worker or an employee of a*  
16 *county or state office for protective services; or*

17 (c) *The move or change in placement is a result of the protected person being*  
18 *admitted to a hospital or facility that provides rehabilitative services.*

19 5. *If an emergency condition exists pursuant to paragraph (a) of subsection*  
20 *4, the guardian may take temporary action to mitigate the condition without the*  
21 *permission of the court, and shall file notice with the court and serve such notice*  
22 *upon all interested parties as soon as practicable after the action is taken.*

23 6. If no objection to the move is received from any interested person within  
24 10 days after receiving ~~[the] a~~ notice ~~[ ]~~ *pursuant to subsection 4 or 5*, the guardian  
25 may move the protected person without court permission.

26 ~~[5.—If an emergency condition exists, including, without limitation, the health~~  
27 ~~or safety of the protected person is at risk of imminent harm or the protected person~~  
28 ~~has been hospitalized and will be unable to return to his or her residence for a~~  
29 ~~period of more than 24 hours, the guardian may take any temporary action needed~~  
30 ~~without the permission of the court and shall file notice with the court and serve~~  
31 ~~notice upon all interested persons as soon as practicable after taking such action.~~

32 ~~—6.] Once a permanent placement for the protected person is established, the~~  
33 ~~guardian shall, as soon as practicable after such placement, file a notice of~~  
34 ~~change of address with the court.~~

35 7. Except as otherwise provided in this subsection, any notice provided to a  
36 court, an interested person or person of natural affection pursuant to this section or  
37 NRS 159.0809 must include the current location of the protected person. The  
38 guardian shall not provide any contact information to an interested person or person  
39 of natural affection if an order of protection has been issued against the interested  
40 person or person of natural affection on behalf of the protected person.

41 ~~[7.]~~ 8. A guardian is not required to provide notice to an interested person or  
42 person of natural affection in accordance with this section or NRS 159.0809 if:

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

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

47 **Sec. 26.** NRS 159.081 is hereby amended to read as follows:

48 159.081 1. A guardian of the person shall make and file in the guardianship  
49 proceeding for review of the court a written report on the condition of the protected  
50 person and the exercise of authority and performance of duties by the guardian:

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

(b) Within 10 days of moving a protected person 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~~ *Except as otherwise provided in subsection 6, be* served, without limitation, on the protected person and any attorney for the protected person.

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

(a) The physical condition of the protected person;

(b) The place of residence of the protected person;

(c) The name of all other persons living with the protected person unless the protected person is residing at a secured residential long-term care facility, group home, supportive living facility, home in which supported living arrangement services are provided, assisted living facility or other facility for long-term care; and

(d) Any other information required by the court.

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.

6. *The court may waive the requirement set forth in paragraph (b) of subsection 2 that a report filed pursuant to paragraph (b) of subsection 1 must be served on a protected person upon a showing that ~~+~~*

~~(a) Such~~ *such service is detrimental to the physical or mental health of the protected person. ~~+~~ or*

~~(b) The protected person is unable to understand the contents of the report.~~

7. As used in this section ~~+~~ *“facility”* :

(a) “Facility” for long-term care” has the meaning ascribed to it in NRS 427A.028.

(b) “Supported living arrangement services” has the meaning ascribed to it in NRS 435.3315.

**Sec. 27.** NRS 159.154 is hereby amended to read as follows:

159.154 1. The guardian may sell the personal property of a protected person at:

(a) The residence of the protected person; or

(b) Any other location designated by the guardian.

2. The guardian may sell the personal property 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 for cash or upon credit.

4. Except as otherwise provided in NRS 159.1515, a sale or disposition of any personal property of the protected person must not be commenced until 30 days after an inventory of the property is filed with the court and a copy thereof is sent by regular mail to the persons specified in NRS 159.034. An affidavit of mailing must be filed with the court.

5. The guardian is responsible for the actual value of the personal property unless the guardian makes a report to the court, not later than 90 days after the conclusion of the sale, showing that good cause existed for the sale and that the property was sold for a price that was not disproportionate to the value of the property.

6. ~~[The]~~ *Except as otherwise provided in subsection 7, the* family members of the protected person and any interested persons must be offered the first right of refusal to acquire the personal property of the protected person at fair market value. *Claims to acquire the personal property must be considered in the following order of priority:*

- (a) *The spouse or domestic partner of the protected person;*
- (b) *A child of the protected person;*
- (c) *The parents of the protected person;*
- (d) *A sibling of the protected person;*
- (e) *The nearest living relative of the protected person by blood or adoption;*

and

- (f) *Any other interested party.*

7. *If multiple claims are received from the same priority group pursuant to subsection 6 and an agreement cannot be reached after good faith efforts have been made, the guardian may sell the property.*

**Sec. 28.** 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 property of a protected person must include, without limitation, the following information:

- (a) The period covered by the account.

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

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

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

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

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

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

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

3. If the account is for the estates of two or more protected persons, it must show the interest of each protected person in the receipts, disbursements and property. As used in this subsection, "protected person" includes a protected minor.

4. Receipts or vouchers for all expenditures must be retained by the guardian for examination by the court or an interested person. A ~~[public]~~ guardian shall produce such receipts or vouchers upon the request of the court, the protected person to whom the receipt or voucher pertains, the attorney of such a protected person or any interested person. ~~[All other guardians]~~ *The guardian* shall file such receipts or vouchers with the court *only* if ~~[-~~

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

~~—(b) The] the~~ court orders the filing.

5. 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.

6. 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. 29.** Chapter 159A of NRS is hereby amended by adding thereto the provisions set forth as sections 30 and 31 of this act.

**Sec. 30.** *1. The court at any time may appoint a successor guardian to serve immediately or when a designated event occurs.*

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

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

*(a) The event occurs; and*

*(b) The successor has taken the official oath and filed a bond as provided in this chapter, and letters of guardianship have been issued.*

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

**Sec. 31.** *1. The court may appoint a temporary substitute guardian for a protected minor for a period not exceeding 6 months if:*

*(a) A proceeding to remove a guardian for the protected minor is pending; or*

*(b) The court finds a guardian is not effectively performing the guardian's duties and the welfare of the protected minor requires immediate action.*

*2. Except as otherwise ordered by the court, a temporary substitute guardian appointed under this section has the powers stated in the order of appointment of the guardian. The authority of the existing guardian is suspended for as long as the temporary substitute guardian has authority.*

*3. The court shall give notice of appointment of a temporary substitute guardian, not later than 5 days after the appointment, to:*

*(a) The protected minor;*

*(b) The affected guardian; and*

*(c) Each parent of the protected minor and any person currently having care or custody of the protected minor.*

*4. The court may remove a temporary substitute guardian at any time. The temporary substitute guardian shall make any report the court requires.*

*5. As used in this section, "parent" does not include a person whose parental rights have been terminated.*

**Sec. 31.5.** NRS 159A.0535 is hereby amended to read as follows:

159A.0535 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 detrimental to the physical or mental health of the proposed protected minor; or

(b) A certificate signed by any other person the court finds qualified to execute a certificate 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 detrimental to the physical or mental health of the proposed protected minor.

2. A proposed protected minor found in this State who cannot attend the hearing for the appointment of a guardian as set forth in a certificate pursuant to

subsection 1 may appear by telephone or by videoconference ~~or any other means that uses audio-video communication.~~

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

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

5. As used in this section, "audio-video communication" means communication by which a person is able to see, hear and communicate with another person in real time using electronic means.

**Sec. 32.** ~~NRS 239.010 is hereby amended to read as follows:~~

~~239.010 1. Except as otherwise provided in this section and NRS 1.4682, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 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, 88.3255, 88.5927, 88.6067, 88A.245, 88A.7245, 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, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 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, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.247, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110,~~

~~599B.090, 602.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.220, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 632.282, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.125, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 702.196, 704B.220, 704B.325, 706.1725, 706A.230, 710.159, 711.600, and section 22 of this act, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.~~

~~2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.~~

~~3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.~~

~~4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:~~

~~(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium;~~

~~(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself. (Deleted by amendment.)~~

**Sec. 33. NRS 247.305 is hereby amended to read as follows:**

247.305 1. If another statute specifies the fee to be charged for a service, county recorders shall charge and collect only the fee specified. Otherwise, unless prohibited by NRS 375.060, county recorders shall charge and collect the following fees:

(a) For recording a document.....\$25  
(b) For copying a record, for each page .....\$1  
(c) For certifying, including certificate and seal .....\$4  
(d) For a certified copy of a certificate of marriage .....\$10  
(e) For a certified abstract of a certificate of marriage .....\$10  
(f) For a certified copy of a certificate of marriage or for a certified abstract of a certificate of marriage, the additional sum of \$5 for the Account for Aid for Victims of Domestic Violence in the State General Fund. The fees collected for this purpose must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and must be credited to that Account. The county treasurer shall, on or before the 15th day of each month, remit those fees deposited by the recorder to the State Controller for credit to that Account.

2. Except as otherwise provided in this subsection and NRS 375.060, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed \$5 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder may not charge the additional fee authorized in this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer for credit to the account established pursuant to NRS 247.306.

3. Except as otherwise provided in this subsection and NRS 375.060, a county recorder shall charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee of ~~[\$5]~~ \$6 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized in this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him or her pursuant to this subsection in the following amounts for each fee received:

(a) ~~Three~~ Four dollars:

(1) To the organization operating the program for legal services for the indigent that receives the fees charged pursuant to NRS 19.031 to be used to provide legal services for:

(I) Protected persons or proposed protected persons who are adults in guardianship proceedings; and

(II) If sufficient funding exists, protected persons or proposed protected persons who are minors in guardianship proceedings, including, without limitation, any guardianship proceeding involving an allegation of financial mismanagement of the estate of a minor; or

(2) If the organization described in subparagraph (1) does not exist in the judicial district, to an account maintained by the county for the exclusive use of the district court to pay the reasonable compensation and expenses of attorneys to represent protected persons and proposed protected persons who are adults and do not have the ability to pay such compensation and expenses, in accordance with NRS 159.0485.

(b) One dollar to the State Treasurer for credit to the Account to Assist Persons Formerly in Foster Care established pursuant to NRS 432.017.



(c) One dollar to an account maintained by the county for the exclusive use of the district court to pay ~~the~~ :

(I) The compensation of ~~investigators~~ :

(I) ~~Investigators~~ appointed by the court pursuant to NRS 159A.046 ~~;~~  
;~~and~~

(II) Attorneys for protected persons and proposed protected persons who are minors in guardianship proceedings; and

(2) For self-help assistance for protected persons and proposed protected persons who are minors in guardianship proceedings.

4. Except as otherwise provided in this subsection and NRS 375.060, a board of county commissioners may, in addition to any fee that a county recorder is otherwise authorized to charge and collect, impose by ordinance a fee of not more than \$6 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized by this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him or her pursuant to this subsection to the organization operating the program for legal services for the indigent that receives the fees charged pursuant to NRS 19.031 to be used to provide legal services for abused and neglected children, including, without limitation, to compensate attorneys appointed to represent such children pursuant to NRS 128.100 and 432B.420.

5. Except as otherwise provided in subsection 6, a county recorder shall not charge or collect any fees for any of the services specified in this section when rendered by the county recorder to:

(a) The county in which the county recorder's office is located.

(b) The State of Nevada or any city or town within the county in which the county recorder's office is located, if the document being recorded:

(1) Conveys to the State, or to that city or town, an interest in land;

(2) Is a mortgage or deed of trust upon lands within the county which names the State or that city or town as beneficiary;

(3) Imposes a lien in favor of the State or that city or town; or

(4) Is a notice of the pendency of an action by the State or that city or town.

6. A county recorder shall charge and collect the fees specified in this section for copying any document at the request of the State of Nevada, and any city or town within the county. For copying, and for his or her certificate and seal upon the copy, the county recorder shall charge the regular fee.

7. If the amount of money collected by a county recorder for a fee pursuant to this section:

(a) Exceeds by \$5 or less the amount required by law to be paid, the county recorder shall deposit the excess payment with the county treasurer for credit to the county general fund.

(b) Exceeds by more than \$5 the amount required by law to be paid, the county recorder shall refund the entire amount of the excess payment.

8. Except as otherwise provided in subsection 2, 3, 4 or 7 or by an ordinance adopted pursuant to the provisions of NRS 244.207, county recorders shall, on or before the fifth working day of each month, account for and pay to the county treasurer all such fees collected during the preceding month.



1           9. For the purposes of this section, “State of Nevada,” “county,” “city” and  
2 “town” include any department or agency thereof and any officer thereof in his or  
3 her official capacity.

4           *Sec. 34. 1. This section and section 3.5 of this act become effective upon*  
5 *passage and approval.*

6           *2. Sections 1, 2, 3 and 23.3 to 31.5, inclusive, of this act become effective*  
7 *on July 1, 2019.*

8           *3. Section 33 of this act becomes effective on October 1, 2019.*