

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; revising various provisions relating to guardianships; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

**Sections 2-23, 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 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.

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.

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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, 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.

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

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

(b) The court finds a guardian is not effectively performing the guardian's duties and the welfare of the protected person 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 person; and

(b) The affected guardian.

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

**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.

**Sec. 5.** "Adult" means a person at least 18 years of age or an emancipated person under 18 years of age.

**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.

**Sec. 7.** "Parent" does not include a person whose parental rights have been terminated.

**Sec. 8.** "Property" includes tangible and intangible property.

**Sec. 9.** "Protective arrangement instead of guardianship" means a court order entered under section 14 of this act.



1     **Sec. 10.** *“Record,” used as a noun, means information that*  
2 *is inscribed on a tangible medium or that is stored in an electronic*  
3 *or other medium and is retrievable in perceivable form.*

4     **Sec. 11.** *“Respondent” means a person for whom*  
5 *appointment of a guardian or a protective arrangement instead of*  
6 *guardianship is sought.*

7     **Sec. 12.** *“Supported decision-making” means assistance*  
8 *from one or more other persons of a person’s choosing in*  
9 *understanding the nature and consequences of potential personal*  
10 *and financial decisions, which enables the person to make the*  
11 *decisions, and in communicating a decision once made if*  
12 *consistent with the person’s wishes.*

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

17     2. *A person interested in an adult’s welfare, including the*  
18 *adult, may petition under sections 13 to 23, inclusive, of this act*  
19 *for a protective arrangement instead of guardianship.*

20     **Sec. 14.** 1. *After the hearing on a petition under NRS*  
21 *159.044 for a guardianship or under subsection 2 of section 13 of*  
22 *this act for a protective arrangement instead of guardianship, the*  
23 *court may issue an order under subsection 2 for a protective*  
24 *arrangement instead of guardianship if the court finds by clear*  
25 *and convincing evidence that:*

26     (a) *The respondent lacks the ability to meet essential*  
27 *requirements for physical health, safety or self-care because the*  
28 *respondent is unable to receive and evaluate information or make*  
29 *or communicate decisions, even with appropriate supportive*  
30 *services, technological assistance or supported decision-making;*  
31 *and*

32     (b) *The respondent’s identified needs cannot be met by a less*  
33 *restrictive alternative.*

34     2. *If the court makes the findings under subsection 1, the*  
35 *court, instead of appointing a guardian, may:*

36     (a) *Authorize or direct a transaction necessary to meet the*  
37 *respondent’s need for health, safety or care, including:*

38         (1) *A particular medical treatment or refusal of a particular*  
39 *medical treatment;*

40         (2) *A move to a specified place of dwelling; or*

41         (3) *Visitation or supervised visitation between the*  
42 *respondent and another person;*

43     (b) *Restrict access to the respondent by a specified person*  
44 *whose access places the respondent at serious risk of physical,*  
45 *psychological or financial harm; and*



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

3. In deciding whether to issue an order under this section, the court shall consider the factors which a guardian must consider when making a decision on behalf of a protected person.

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

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

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

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

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

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

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

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

(b) Any attorney currently representing the respondent;

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

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

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

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

(g) An agent designated under a power of attorney for health care in which 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.

**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



1 *the respondent's welfare the court determines. Failure to give*  
2 *notice under this subsection does not preclude the court from*  
3 *granting the petition.*

4 *4. After the court has ordered a protective arrangement under*  
5 *sections 13 to 23, inclusive, of this act, notice of a hearing on a*  
6 *petition filed under this chapter, together with a copy of the*  
7 *petition, must be given to the respondent and any other person the*  
8 *court determines.*

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

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

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

20 *(b) Determine the respondent's views with respect to the order*  
21 *sought;*

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

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

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

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

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

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

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

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

44 *(1) Can manage without assistance or with existing*  
45 *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.

**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;

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

(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.

**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:

(a) If the respondent requests the evaluation; or

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





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:

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

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

(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

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

3. The respondent may decline to participate in an evaluation ordered under subsection 1.

**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:

(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

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

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.



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

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

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

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

9       (c) Otherwise participate in the hearing.

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

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

18    **Sec. 21.** The court shall give notice of an order under  
19 sections 13 to 23, inclusive, of this act to the person who is subject  
20 to the protective arrangement instead of guardianship, a person  
21 whose access to the person who is subject to the protective  
22 arrangement is restricted by the order, and any other person the  
23 court determines.

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

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

29       (b) Either:

30           (1) The proceeding is dismissed;

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

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

34    2. A respondent, a person subject to a protective arrangement  
35 instead of guardianship, an attorney designated by the respondent  
36 or person subject to a protective arrangement and any other  
37 person the court determines are entitled to access court records of  
38 the proceeding and resulting protective arrangement. A person not  
39 otherwise entitled to access to court records under this subsection  
40 for good cause may petition the court for access. The court shall  
41 grant access if access is in the best interest of the respondent or  
42 person subject to the protective arrangement or furthers the public  
43 interest and does not endanger the welfare or financial interests of  
44 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.*

**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.*

**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



1 of the estate of the protected person. A guardian of the person is not  
2 required to incur expenses on behalf of the protected person except  
3 to the extent that the estate of the protected person is sufficient to  
4 reimburse the guardian.

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

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

19 5. A guardian of the person shall petition the court for an order  
20 authorizing the guardian to change the residence of the protected  
21 person to a location outside of this State. The guardian must show  
22 that the placement outside of this State is in the best interest of the  
23 protected person or that there is no appropriate residence available  
24 for the protected person in this State. The court shall retain  
25 jurisdiction over the guardianship unless the guardian files for  
26 termination of the guardianship pursuant to NRS 159.1905 or  
27 159.191 or the jurisdiction of the guardianship is transferred to the  
28 other state.

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

34 (a) An emergency condition exists pursuant to *paragraph (a) of*  
35 subsection ~~5~~ 4 of NRS 159.0807;

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

40 (c) The move or placement is made pursuant to a written  
41 recommendation by a licensed physician, a physician employed by  
42 the Department of Veterans Affairs, a licensed social worker or an  
43 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 ~~5.~~ 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

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

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

(a) *An emergency condition exists that presents a risk of imminent harm to the health or safety of the protected person, and the protected person will be unable to return to his or her residence for a period of more than 24 hours;*

(b) *The move or change in 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; or*

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



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

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

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

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

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

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

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

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

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

159.081 1. A guardian of the person shall make and file in the guardianship proceeding for review of the court a written report on the condition of the protected person 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 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, 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 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 for long-term care" has the meaning ascribed to it in NRS 427A.028.

**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.





1        3. Personal property may be sold for cash or upon credit.

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

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

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

19        (a) *The spouse or domestic partner of the protected person;*

20        (b) *A child of the protected person;*

21        (c) *The parents of the protected person;*

22        (d) *A sibling of the protected person;*

23        (e) *The nearest living relative of the protected person by blood*  
24 *or adoption; and*

25        (f) *Any other interested party.*

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

30        **Sec. 28.** NRS 159.179 is hereby amended to read as follows:

31        159.179 1. An account made and filed by a guardian of the  
32 estate or special guardian who is authorized to manage the property  
33 of a protected person must include, without limitation, the following  
34 information:

35        (a) The period covered by the account.

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

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

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



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(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. 32.** 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, 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, 88.3355, 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,



1 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140,  
2 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130,  
3 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044,  
4 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625,  
5 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691,  
6 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772,  
7 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925,  
8 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131,  
9 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625,  
10 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450,  
11 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105,  
12 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210,  
13 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030,  
14 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560,  
15 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910,  
16 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685,  
17 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438,  
18 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503,  
19 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510,  
20 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379,  
21 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205,  
22 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247,  
23 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180,  
24 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495,  
25 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,  
26 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035,  
27 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315,  
28 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698,  
29 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535,  
30 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484,  
31 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350,  
32 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175,  
33 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,  
34 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170,  
35 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,  
36 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140,  
37 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,  
38 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,  
39 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940,  
40 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363,  
41 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452,  
42 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964,  
43 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710,  
44 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341,  
45 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327,



1 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047,  
2 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368,  
3 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055,  
4 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087,  
5 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730,  
6 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190,  
7 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170,  
8 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870,  
9 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092,  
10 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375,  
11 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033,  
12 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115,  
13 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450,  
14 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122,  
15 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270,  
16 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077,  
17 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010,  
18 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190,  
19 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420,  
20 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320,  
21 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 22*  
22 *of this act*, sections 35, 38 and 41 of chapter 478, Statutes of  
23 Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013  
24 and unless otherwise declared by law to be confidential, all public  
25 books and public records of a governmental entity must be open at  
26 all times during office hours to inspection by any person, and may  
27 be fully copied or an abstract or memorandum may be prepared  
28 from those public books and public records. Any such copies,  
29 abstracts or memoranda may be used to supply the general public  
30 with copies, abstracts or memoranda of the records or may be used  
31 in any other way to the advantage of the governmental entity or of  
32 the general public. This section does not supersede or in any manner  
33 affect the federal laws governing copyrights or enlarge, diminish or  
34 affect in any other manner the rights of a person in any written book  
35 or record which is copyrighted pursuant to federal law.

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

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



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

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

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

