

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:

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



* S B 2 0 R 2 *

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 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 \$5, thereby increasing the additional fee charged by a county recorder from \$5 to \$7. 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, 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 of authority is based on the guardian's noncompliance with his or her duties and responsibilities as provided by law.

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. 3.5. 1. Except as otherwise provided in subsection 2, if a person who files a petition for the appointment of a guardian pursuant to NRS 159.044 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 the appropriateness of such a transfer upon a showing of good cause, as set forth in the petition for an expedited hearing. If a person files a petition for an expedited hearing pursuant to this subsection, he or she shall include, without limitation, the following information in the petition:

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

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



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

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

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

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

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

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

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

(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. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)



Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (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



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

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

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

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

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

16 3. Except as otherwise provided in subsection 4, after the
17 appointment of a temporary guardian, the petitioner shall attempt in
18 good faith to notify the persons entitled to notice pursuant to NRS
19 159.047, including, without limitation, notice of any hearing to
20 extend the temporary guardianship. If the petitioner fails to make
21 such an effort, the court may terminate the temporary guardianship.

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

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

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

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

44 6. If the court appoints a temporary guardian or extends the
45 temporary guardianship pursuant to this section, the court shall limit



1 the ~~[powers]~~ *authority* of the temporary guardian to ~~[those]~~ *that*
2 *which is* necessary to ~~[respond]~~ *perform any actions required to*
3 *ensure the health, safety or care of a proposed protected person,*
4 *including, without limitation:*

5 (a) *Responding* to the substantial and immediate risk of physical
6 harm or to a need for immediate medical attention ~~[]~~; and

7 (b) *Applying for Medicaid or other appropriate assistance,*
8 *coverage or support for the proposed protected person for the*
9 *purpose of providing adequate care for and ensuring the*
10 *appropriate placement of the proposed protected person.*

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

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

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

17 8. The court may extend the temporary guardianship, for good
18 cause shown, for not more than two successive 60-day periods,
19 except that the court shall not cause the temporary guardianship to
20 continue longer than 5 months unless extraordinary circumstances
21 are shown.

22 *9. If a court is making a determination regarding the*
23 *extension of a temporary guardianship or the issuance of any ex*
24 *parte or emergency order, the court may consider the actions*
25 *taken by a temporary guardian to carry out any requested*
26 *activities for the benefit of a proposed protected person during the*
27 *temporary guardianship.*

28 **Sec. 23.7.** NRS 159.0535 is hereby amended to read as
29 follows:

30 159.0535 1. A proposed protected person who is found in
31 this State must attend the hearing for the appointment of a guardian
32 unless:

33 (a) A certificate signed by a physician or psychiatrist who is
34 licensed to practice in this State or who is employed by the
35 Department of Veterans Affairs specifically states the condition of
36 the proposed protected person, the reasons why the proposed
37 protected person is unable to appear in court and whether the
38 attendance of the proposed protected person at the hearing would be
39 detrimental to the physical or mental health of the proposed
40 protected person; ~~[or]~~

41 (b) A certificate signed by any other person the court finds
42 qualified to execute a certificate states the condition of the proposed
43 protected person, the reasons why the proposed protected person is
44 unable to appear in court and whether the attendance of the



1 proposed protected person at the hearing would be detrimental to the
2 physical or mental health of the proposed protected person ~~H~~; or

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

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

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

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

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

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

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

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

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

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

36 4. *As used in this section, “audio-video communication”*
37 *means communication by which a person is able to see, hear and*
38 *communicate with another person in real time using electronic*
39 *means.*

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

41 159.079 1. Except as otherwise ordered by the court, a
42 guardian of the person has the care, custody and control of the
43 person of the protected person, and has the authority and, subject to
44 subsection 2, shall perform the duties necessary for the proper care,



1 maintenance, education and support of the protected person,
2 including, without limitation, the following:

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

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

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

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

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

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

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

38 5. A guardian of the person shall petition the court for an order
39 authorizing the guardian to change the residence of the protected
40 person to a location outside of this State. The guardian must show
41 that the placement outside of this State is in the best interest of the
42 protected person or that there is no appropriate residence available
43 for the protected person in this State. The court shall retain
44 jurisdiction over the guardianship unless the guardian files for
45 termination of the guardianship pursuant to NRS 159.1905 or



1 159.191 or the jurisdiction of the guardianship is transferred to the
2 other state.

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

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

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

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

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

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

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

24 159.0807 1. Every protected person has the right, if possible,
25 to:

26 (a) Have his or her preferences followed; and

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

30 2. Except as otherwise provided in subsection ~~5~~ 4, a
31 proposed protected person must not be moved until a guardian is
32 appointed.

33 3. Except as otherwise provided in this section and subsections
34 5 and 6 of NRS 159.079, the guardian shall notify all interested
35 persons in accordance with subsection 4 ~~before~~ *if* the protected
36 person:

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

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

42 (c) ~~Will reside at a location other than his or her residence for~~
43 ~~more than 3 days.~~ *Is admitted to a hospital or is temporarily*
44 *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, including, without limitation, an emergency condition 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 file notice with the court and serve such 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 ~~unless:~~ *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.

~~17.1~~ **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, *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 such service is detrimental to the physical or mental health of the protected person.*

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 ~~the~~:

~~—(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* **H** *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. (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~~ \$7 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~~ Five 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~~ :

(1) 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.

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

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

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



1 3. Section 33 of this act becomes effective on January 1, 2020.

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