

SENATE BILL NO. 15—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Judiciary

SUMMARY—Makes various changes related to guardianships.
(BDR 13-431)

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; revising the names of the State Guardianship Compliance Office and the State Guardianship Compliance Officer; removing the limit on the number of accountants and investigators that may be hired to provide services to the district court during the administration of guardianship proceedings; establishing provisions concerning the guardianship of a minor applying for status as a special immigrant juvenile with the United States Citizenship and Immigration Services of the Department of Homeland Security; authorizing an investigator appointed by the court in a guardianship proceeding concerning a minor to obtain certain documents without paying a fee; increasing certain recording fees charged by a county recorder and paid to the county treasurer and accordingly increasing the portion of such recording fees remitted by the county treasurer for certain purposes pertaining to guardianship proceedings; revising provisions concerning certain certificates supplied by the State Registrar; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law creates the State Guardianship Compliance Office and provides
- 2 for the appointment of the State Guardianship Compliance Officer by the Supreme
- 3 Court. Existing law authorizes the State Guardianship Compliance Officer to hire



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two accountants and two investigators for the purpose of providing auditing and investigative services to the district courts during the administration of guardianship proceedings concerning adults or minors. (NRS 159.341) **Section 1** of this bill changes the names of the State Guardianship Compliance Office and the State Guardianship Compliance Officer to the State Guardianship Office and State Guardianship Officer, respectively, and **section 4** of this bill makes a conforming change to reflect the name change of the State Guardianship Compliance Office to the State Guardianship Office. **Section 1** also removes the limit on the number of accountants and investigators that may be hired to provide auditing and investigative services to the district courts during the administration of guardianship proceedings and instead authorizes, within the limits of legislative appropriations, as many accountants and investigators as necessary to provide such services.

Existing law authorizes a person who is filing a petition or making a motion relating to the guardianship of an adult or a minor to include in the petition or motion a request that the court make certain findings that will enable the person who is the subject of the petition or motion to apply for status as a special immigrant juvenile with the United States Citizenship and Immigration Services of the Department of Homeland Security. (NRS 3.2203) Existing law also provides that if a person includes such a request in a petition or motion relating to the guardianship of an adult, the court may appoint or extend the appointment of a guardian of the person for a protected person or proposed protected person if he or she: (1) is an unmarried person who is 18 years of age or older but less than 21 years of age; and (2) consents to the appointment or extension of the appointment. (NRS 159.343) **Section 2** of this bill establishes such provisions with regard to the guardianship of a minor and authorizes a court to appoint or extend the appointment of a guardian of the person for a protected minor or proposed protected minor if he or she: (1) is an unmarried person who is less than 18 years of age or, in certain circumstances, less than 19 years of age; and (2) consents to the appointment or extension of the appointment.

Existing law provides that upon the filing of a petition relating to the guardianship of a minor, or at any time thereafter, a court may appoint one or more investigators to locate certain persons, make certain determinations and investigate certain issues. (NRS 159A.046) **Section 3** of this bill provides that such an investigator may also obtain the birth or death records of a proposed protected minor or protected minor and the death records of a parent, guardian or any party who is subject to a proceeding relating to the guardianship of a minor. **Section 3** also provides that such an investigator is entitled to be provided with free copies of any documents relating to the scope of his or her investigation from any court or governmental agency in this State that is in possession of such documents.

Existing law generally requires a county recorder to charge and collect a fee of \$7 for recording certain documents and to pay the total amount of such fees to the county treasurer on a monthly basis. Existing law requires the county treasurer to remit on a monthly basis: (1) \$5 of each such fee received to the organization operating legal services for the indigent to provide legal services in guardianship proceedings or, if such an organization does not exist in the judicial district, to an account maintained by the county to pay attorneys to represent indigent protected persons and proposed protected persons who are adults in guardianship proceedings; and (2) \$1 of each such fee received to an account maintained by the county for the payment of certain costs relating to guardianship proceedings concerning minors, including the payment of investigators appointed by the court. (NRS 247.305) **Section 5** of this bill increases the recording fee charged and collected by a county recorder and paid to the county treasurer from \$7 to \$12 and accordingly increases the portion of such recording fees remitted by the county treasurer: (1) from \$5 to \$7; and (2) from \$1 to \$4. **Section 5** also provides that the



money remitted to the account maintained by the county for the payment of certain costs relating to guardianship proceedings concerning minors, including the payment of investigators appointed by the court, may be used to pay associated support staff.

Existing law requires the State Registrar to supply, upon the request of a parent or guardian or an unaccompanied youth and without the payment of a fee, a certificate limited to a statement as to the date of birth of a child or of the unaccompanied youth if the certificate is necessary for admission to school or for securing employment. (NRS 440.700) **Section 6** of this bill also requires the State Registrar to supply such a certificate if it is necessary to obtain health benefits or health care or establish or manage the guardianship of a minor. **Section 6** additionally requires the State Registrar to supply, without the payment of a fee, a certificate limited to a statement as to the date of death of any child, parent, guardian or party who is subject to a court proceeding relating to the guardianship of a minor. **Section 6** further provides that an investigator appointed by the court in a guardianship proceeding relating to a minor is authorized to make a request for both types of certificates.

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

Section 1. NRS 159.341 is hereby amended to read as follows:
159.341 1. The State Guardianship ~~{Compliance}~~ Office is hereby created.

2. The State Guardianship ~~{Compliance}~~ Officer is:

(a) Appointed by the Supreme Court and serves at the pleasure of the Court; and

(b) Entitled to receive an annual salary set by the Supreme Court within the limits of legislative appropriations.

3. The State Guardianship ~~{Compliance}~~ Officer may hire ~~{two}~~ *such* accountants and ~~{two}~~ investigators *as necessary, within the limits of legislative appropriations*, to provide auditing and investigative services to the district courts during the administration of guardianship proceedings pursuant to chapters 159 and 159A of NRS.

4. The State Guardianship ~~{Compliance}~~ Officer shall not act as a guardian for any protected person or protected minor.

Sec. 2. Chapter 159A of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a person includes a request that the court make the findings set forth in subsection 3 of NRS 3.2203 in a petition filed or motion made pursuant to this chapter, the court may appoint or extend the appointment of a guardian of the person for a protected minor or proposed protected minor seeking status as a special immigrant juvenile with the United States Citizenship and Immigration Services of the Department of Homeland Security if the protected minor or proposed protected minor:



(a) *Is an unmarried person who is:*

(1) *Less than 18 years of age; or*

(2) *Less than 19 years of age, if the guardianship of the person is continued until the person reaches the age of 19 years pursuant to NRS 159A.191; and*

(b) *Consents to the appointment or the extension of the appointment.*

2. *The appointment or the extension of the appointment of a guardian of the person pursuant to subsection 1 does not authorize the guardian to abrogate any rights that the protected minor or proposed protected minor may have pursuant to the laws of this State, including, without limitation, the right to make decisions regarding his or her medical treatment, education or residence, without the express consent of the protected minor or proposed protected minor.*

Sec. 3. NRS 159A.046 is hereby amended to read as follows:

159A.046 1. Upon filing of the petition, or any time thereafter, the court may appoint one or more investigators to:

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

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

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

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

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

(f) *Obtain:*

(1) *The birth records of a proposed protected minor or protected minor; or*

(2) *The death records of a proposed protected minor, protected minor, parent, guardian or any party who is subject to a court proceeding pursuant to this chapter.*

2. An investigator may be an employee of the court or a person retained under contract with the court.

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

4. If the court finds that a person has unnecessarily or unreasonably caused the investigation, the court may order the



1 person to pay to the court all or part of the expenses associated with
2 the investigation.

3 **5. *An investigator appointed pursuant to subsection 1 must be***
4 ***provided with copies of any documents relating to the scope of his***
5 ***or her investigation, free of charge, from any court or***
6 ***governmental agency within this State that is in possession of such***
7 ***documents.***

8 **Sec. 4.** NRS 200.5095 is hereby amended to read as follows:

9 200.5095 1. Reports made pursuant to NRS 200.5093 and
10 200.5094, and records and investigations relating to those reports,
11 are confidential.

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

17 (a) Pursuant to a criminal prosecution;

18 (b) Pursuant to NRS 200.50982; or

19 (c) To persons or agencies enumerated in subsection 3,
20 ➤ is guilty of a misdemeanor.

21 3. Except as otherwise provided in subsection 2 and NRS
22 200.50982, data or information concerning the reports and
23 investigations of the abuse, neglect, exploitation, isolation or
24 abandonment of an older person or a vulnerable person is available
25 only to:

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

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

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

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

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

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

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



(h) A legal guardian of the older person or vulnerable person, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the legal guardian of the older person or vulnerable person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

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

(j) The older person or vulnerable person named in the report as allegedly being abused, neglected, exploited, isolated or abandoned, if that person is not legally incapacitated;

(k) An attorney appointed by a court to represent a protected person in a guardianship proceeding pursuant to NRS 159.0485, if:

(1) The protected person is an older person or vulnerable person;

(2) The identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected; and

(3) The attorney of the protected person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment; or

(l) The State Guardianship ~~Compliance~~ Office created by NRS 159.341.

4. If the person who is reported to have abused, neglected, exploited, isolated or abandoned an older person or a vulnerable person is the holder of a license or certificate issued pursuant to chapters 449, 630 to 641B, inclusive, 641D, 653 or 654 of NRS, the information contained in the report must be submitted to the board that issued the license.

5. If data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is made available pursuant to paragraph (b) or (j) of subsection 3 or subsection 4, the name and any other identifying information of the person who made the report must be redacted before the data or information is made available.



Sec. 5. 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 or Sexual 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 ~~1\$71~~ **\$12** 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) ~~Five~~ **Seven** 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~~ **Four dollars** to an account maintained by the county for the exclusive use of the district court to pay:

(1) The compensation of:

(I) Investigators appointed by the court pursuant to NRS 159A.046 ~~and~~ **and associated support staff**; 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. 6. NRS 440.700 is hereby amended to read as follows:

440.700 1. Except as otherwise provided in this section, the State Registrar shall charge and collect a fee in an amount established by the State Registrar by regulation:

(a) For searching the files for one name, if no copy is made.



1 (b) For verifying a vital record.

2 (c) For establishing and filing a record of paternity, other than a
3 hospital-based paternity, and providing a certified copy of the new
4 record.

5 (d) For a certified copy of a record of birth.

6 (e) For a certified copy of a record of death originating in a
7 county in which the board of county commissioners has not created
8 an account for the support of the office of the county coroner
9 pursuant to NRS 259.025.

10 (f) For a certified copy of a record of death originating in a
11 county in which the board of county commissioners has created an
12 account for the support of the office of the county coroner pursuant
13 to NRS 259.025.

14 (g) For correcting a record on file with the State Registrar and
15 providing a certified copy of the corrected record.

16 (h) For replacing a record on file with the State Registrar and
17 providing a certified copy of the new record.

18 (i) For filing a delayed certificate of birth and providing a
19 certified copy of the certificate.

20 (j) For the services of a notary public, provided by the State
21 Registrar.

22 (k) For an index of records of marriage provided on microfiche
23 to a person other than a county clerk or a county recorder of a
24 county of this State.

25 (l) For an index of records of divorce provided on microfiche to
26 a person other than a county clerk or a county recorder of a county
27 in this State.

28 (m) For compiling data files which require specific changes in
29 computer programming.

30 2. The fee collected for furnishing a copy of a certificate of
31 birth or death must include the sum of \$3 for credit to the Children's
32 Trust Account created by NRS 432.131.

33 3. The fee collected for furnishing a copy of a certificate of
34 death must include the sum of \$1 for credit to the Review of Death
35 of Children Account created by NRS 432B.409.

36 4. The fee collected for furnishing a copy of a certificate of
37 death must include the sum of 50 cents for credit to the Grief
38 Support Trust Account created by NRS 439.5132.

39 5. The State Registrar shall not charge a fee for furnishing a
40 certified copy of a record of birth to:

41 (a) A homeless person, including, without limitation, a homeless
42 child or youth, who submits on a form prescribed by the State
43 Registrar a statement signed under penalty of perjury that the person
44 is homeless. The State Registrar shall not require such a statement to
45 be notarized.



(b) A person who submits documentation from the Department of Corrections verifying that the person is imprisoned or was released from prison within the immediately preceding 90 days.

(c) A staff person of a local educational agency who has been designated pursuant to 42 U.S.C. § 11432(g)(1)(J)(ii) for a certified copy of a record of birth of a homeless child or youth who is enrolled in the local educational agency.

(d) A social worker licensed to practice in this State, for a certified copy of a record of birth of a homeless child or youth who is a client of the social worker.

6. The fee collected for furnishing a copy of a certificate of death originating in a county in which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to NRS 259.025 must include the sum of \$4 for credit to the account for the support of the office of the county coroner of the county in which the certificate originates.

7. Upon the request of any parent or guardian, ~~for~~ an unaccompanied youth ~~H~~ *or any investigator appointed by the court pursuant to NRS 159A.046*, the State Registrar shall supply, without the payment of a fee ~~for a~~:

(a) A certificate limited to a statement as to the date of birth of any child or of the unaccompanied youth as disclosed by the record of such birth when the certificate is necessary for admission to school or for securing employment ~~H~~, *obtaining health benefits or health care or establishing or managing a guardianship pursuant to chapter 159A of NRS.*

(b) *A certificate limited to a statement as to the date of death of any child, parent, guardian or party who is subject to a court proceeding pursuant to chapter 159A of NRS.*

8. The United States Bureau of the Census may obtain, without expense to the State, transcripts or certified copies of births and deaths without payment of a fee.

9. As used in this section:

(a) "Homeless child or youth" has the meaning ascribed to it in 42 U.S.C. § 11434a.

(b) "Local educational agency" has the meaning ascribed to it in 42 U.S.C. § 11434a.

(c) "Unaccompanied youth" has the meaning ascribed to it in 42 U.S.C. § 11434a.

Sec. 7. 1. This section and sections 1 to 4, inclusive, and 6 of this act become effective on July 1, 2023.

2. Section 5 of this act becomes effective on January 1, 2024.

