

CHAPTER.....

AN ACT relating to guardianships; replacing the term “ward” with the term “protected person”; establishing provisions relating to the right of a protected person to communicate, visit or interact with certain persons; establishing provisions regarding certain notifications concerning a protected person that a guardian is required to give to certain persons; establishing provisions relating to guardians of the person; establishing provisions concerning sanctions that may be imposed upon and actions that may be taken against a guardian; revising provisions relating to the appointment of a guardian ad litem to represent a protected person; revising provisions relating to the appointment of counsel to represent a proposed protected person; removing the requirement that certain persons must inform a proposed protected person of his or her right to counsel; revising provisions relating to certain reports and accounts filed with the court by a guardian of the person and a guardian of the estate; revising the circumstances in which a court is authorized to remove a guardian; reducing the filing fee for a petition for a guardianship; prohibiting the charging or collecting of any other fee for the filing of such a petition; requiring a county recorder to charge and collect a fee for the recording of certain documents to be used for certain specified purposes; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law defines the term “ward” for purposes of the provisions of law governing guardianships as any person for whom a guardian has been appointed. (NRS 159.027) **Section 20** of this bill replaces the term “ward” with the term “protected person.”

Sections 4-11 of this bill establish provisions relating to the right of a protected person to communicate, visit or interact with his or her parent, child or sibling or a person of natural affection, which **section 3** of this bill defines as a person who is not a family member of a protected person but who shares a relationship with the protected person that is similar to the relationship between family members. **Section 5** generally prohibits a guardian from restricting the right of a protected person to communicate, visit or interact with such persons except in certain circumstances.

Section 6 authorizes a guardian to petition a court to issue an order restricting the ability of a parent, child or sibling of a protected person or a person of natural affection to communicate, visit or interact with a protected person for good cause. **Section 6** requires a court to consider certain factors when determining whether to issue such an order and requires a guardian to provide the court with documentation of any physical reactions or manifestations of agitation, distress or combative or overly emotional behavior by the protected person during or following any contact



with any such person or opposition by the protected person to any communication, visitation or interaction with any such person if the protected person is unable to communicate verbally. **Section 7** requires a court to consider imposing certain restrictions on communication, visitation or interaction between a protected person and any such person in a certain order of preference.

Section 8 authorizes any person who reasonably believes a guardian has violated a court order or committed an abuse of discretion in restricting communication, visitation or interaction between a protected person and his or her parent, child or sibling or a person of natural affection to petition the court to take certain action.

Section 9 requires the court to schedule a hearing on a petition filed by a guardian or person pursuant to **section 6 or 8**, respectively, not later than 63 days after the date the petition is filed. **Section 9** also requires the court to conduct an emergency hearing as soon as practicable, but not later than 7 days after the date the petition is filed, if the petition states that the health of the protected person is in significant decline or the death of the protected person might be imminent.

Section 10 establishes provisions concerning who has the burden of proof in a proceeding held pursuant to **sections 4-11**, and **section 11** sets forth certain sanctions.

Sections 12 and 13 of this bill establish provisions regarding certain notifications concerning a protected person that a guardian is required to give to certain interested persons. **Section 12** generally requires a guardian to file with the court a notice of his or her intent to move a protected person and to serve notice upon such interested persons not less than 10 days before moving the protected person. If an objection to the move is not received from any interested person within 10 days after receiving the notice, the guardian is authorized to move the protected person without court permission. **Section 12** further provides that if an emergency condition exists, the guardian is authorized to take any temporary action needed without court permission and is required to file notice with the court and serve notice upon all interested persons as soon as practicable after taking such action. **Section 26** of this bill revises provisions of existing law governing the authority of a guardian of the person to establish or change the residence of a protected person to conform with the provisions of **section 12**.

Section 13 requires a guardian to notify immediately all interested persons and persons of natural affection: (1) if the guardian believes, based on information from certain qualified persons, that the death of the protected person is likely to occur within the next 30 days; (2) upon the death of the protected person; and (3) upon obtaining any information relating to the burial or cremation of the protected person. If the guardian is providing notification of the death of the protected person, the guardian is required to provide such notification in a certain manner pursuant to **section 13**.

Section 12 also: (1) provides that any notification given by a guardian relating to moving a protected person or the death or impending death of a protected person must include the current location of the protected person unless an order of protection has been issued against an interested person or a person of natural affection on behalf of the protected person; and (2) establishes the circumstances in which a guardian is not required to provide notification to an interested person or person of natural affection.

Section 14 of this bill authorizes a guardian of the person to take certain actions if a guardian of the estate has not been appointed and provides that if a guardian of the estate has been appointed, a guardian of the person may receive reasonable sums for any room and board furnished to a protected person if the guardian presents a claim to the guardian of the estate.



Section 17 of this bill authorizes a court to take certain action if a guardian violates any right of a protected person and to impose twice the actual damages incurred by the protected person and attorney's fees and costs if any action by a guardian is deemed to be deliberately harmful or fraudulent or to have been committed with malice.

Existing law authorizes a court to appoint a person to represent a ward or proposed ward as a guardian ad litem. (NRS 159.0455) **Section 22** of this bill revises provisions relating to such an appointment and authorizes a court to appoint a volunteer person who is not an attorney as a guardian ad litem to represent a protected person or proposed protected person if a court-approved volunteer advocate program for guardians ad litem is established in the judicial district.

Existing law provides that if an adult ward or proposed adult ward is unable to retain legal counsel and requests the appointment of counsel at any stage in a guardianship proceeding, the court is required to appoint an attorney who works for legal aid services or a private attorney to represent the adult ward or proposed adult ward. (NRS 159.0485) **Section 23** of this bill provides that upon the filing of a petition for the appointment of a guardian for a proposed protected person who is an adult, the court is required to appoint an attorney to represent the proposed protected person unless the proposed protected person wishes to retain or has already retained an attorney. The court is required to appoint an attorney who works for an organization operating a program for legal services for the indigent which provides legal services for protected persons and proposed protected persons who are adults if the county in which the proposed protected person lives has such a program that is able to accept the case. If the county in which the proposed protected person resides does not have such a program or the program is unable to accept the case, the court is required to determine whether the proposed protected person has the ability to pay the reasonable compensation and expenses of an attorney from his or her estate and, if so, order an attorney to represent the proposed protected person and require the compensation and expenses of the attorney to be paid from the estate. If the proposed protected person does not have the ability to pay, the court is authorized to use money set aside for the purpose of assisting such proposed protected persons to pay for an attorney to represent the proposed protected person.

Existing law requires a proposed ward who is found in this State to attend the hearing for the appointment of a guardian unless a certificate that includes certain information, including why the proposed ward cannot attend the hearing, is signed by a qualified person. If the proposed ward is an adult and cannot attend the hearing by videoconference, the person who signs the certificate or another qualified person is required to inform the proposed ward of certain rights of the proposed ward, including the right to counsel, and ask the proposed ward if he or she wishes to be represented by counsel (NRS 159.0535) **Section 24** of this bill removes such a requirement.

Existing law requires a guardian of the person to file with the court a written report on the condition of the ward and the exercise of authority and performance of duties by the guardian at certain specified times. (NRS 159.081) **Section 27** of this bill requires that certain information be included in such a report. Existing law also requires a guardian of the estate or special guardian who is authorized to manage the property of a ward to file with the court a verified account of the estate of the ward at certain specified times and requires the account to include certain information. (NRS 159.177, 159.179) **Section 28** of this bill requires the account to be served on the protected person and the attorney of the protected person. **Section 29** of this bill revises the requirements relating to the account and revises provisions relating to producing or filing with the court the receipts and vouchers for all



expenditures included in the account. **Section 16** of this bill authorizes a court to impose a penalty in an amount not to exceed \$5,000 and order restitution of any money misappropriated from the estate of a protected person if a guardian is guilty of gross impropriety in handling the property of the protected person, makes a substantial misstatement in any such report or account or willfully fails to file such a report or account within a certain period after receiving written notice from the court of the failure to file.

Section 15 of this bill provides that a protected person or his or her attorney is entitled to receive copies of any accountings relating to any trusts created by or for the benefit of the protected person.

Section 31 of this bill revises the circumstances in which a court may remove a guardian. **Section 32** of this bill provides that upon the filing of a petition for the termination or modification of a guardianship, the court is required to appoint an attorney to represent the protected person if: (1) the protected person is unable to retain an attorney; or (2) the court determines that the appointment is necessary to protect the interests of the protected person.

Existing law authorizes or requires the imposition of various fees in civil actions, including fees specific to the filing of a petition for a guardianship. (NRS 19.013-19.0335) **Section 33** of this bill reduces the fee for filing a petition for a guardianship where the stated value of the estate is more than \$2,500 from \$72 to \$5. **Section 33** also specifies that no other fee may be charged or collected for the filing of a petition for a guardianship.

Existing law requires a county recorder to charge and collect a fee of \$1 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing other than an originally signed copy of a certificate of marriage, which the county treasurer is required to remit to the State Treasurer for credit to the Account to Assist Persons Formerly in Foster Care. (NRS 247.305) **Section 36** of this bill requires a county recorder to charge and collect an additional fee of \$3 for the recording of such documents, which the county treasurer is required to remit: (1) to the organization operating the program for legal services for the indigent in the county, to be used to provide legal services for protected persons or proposed protected persons who are adults in guardianship proceedings and, if sufficient funding exists, protected persons and proposed protected persons who are minors in guardianship proceedings; or (2) if such an organization 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. **Section 37** of this bill requires a county recorder to charge and collect an additional fee of \$1 for the recording of such documents, which the county treasurer is required to remit to an account maintained by the county for the exclusive use of the district court to pay the compensation of certain investigators appointed by the court. **Section 41** of this bill provides that **section 37** becomes effective if, and only if, Assembly Bill No. 319 of this session is enacted by the Legislature and becomes effective.



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 17, inclusive, of this act.

Sec. 2. *“Interested person” means a person who is entitled to notice of a guardianship proceeding pursuant to NRS 159.034.*

Sec. 3. *“Person of natural affection” means a person who is not a family member of a protected person but who shares a relationship with the protected person that is similar to the relationship between family members.*

Sec. 4. *As used in sections 4 to 11, inclusive, of this act, “relative” means a parent, child or sibling of a protected person.*

Sec. 5. 1. *A guardian shall not restrict the right of a protected person to communicate, visit or interact with a relative or person of natural affection, including, without limitation, by telephone, mail or electronic communication, unless:*

(a) The protected person expresses to the guardian and at least one other independent witness who is not affiliated with or related to the guardian or the protected person that the protected person does not wish to communicate, visit or interact with the relative or person of natural affection;

(b) There is currently an investigation of the relative or person of natural affection by law enforcement or a court proceeding concerning the alleged abuse of the protected person and the guardian determines that it is in the best interests of the protected person to restrict the communication, visitation or interaction between the protected person and the relative or person of natural affection because of such an investigation or court proceeding;

(c) The restriction on the communication, visitation or interaction with the relative or person of natural affection is authorized by a court order;

(d) Subject to the provisions of subsection 2, the guardian determines that the protected person is being physically, emotionally or mentally harmed by the relative or person of natural affection; or

(e) Subject to the provisions of subsection 3, a determination is made that, as a result of the findings in a plan for the care or treatment of the protected person, visitation, communication or interaction between the protected person and the relative or person



of natural affection is detrimental to the health and well-being of the protected person.

2. Except as otherwise provided in this subsection, if a guardian restricts communication, visitation or interaction between a protected person and a relative or person of natural affection pursuant to paragraph (d) of subsection 1, the guardian shall file a petition pursuant to section 6 of this act not later than 10 days after restricting such communication, visitation or interaction. A guardian is not required to file such a petition if the relative or person of natural affection is the subject of an investigation or court proceeding pursuant to paragraph (b) of subsection 1 or a pending petition filed pursuant to section 6 of this act.

3. A guardian may consent to restricting the communication, visitation or interaction between a protected person and a relative or person of natural affection pursuant to paragraph (e) of subsection 1 if the guardian determines that such a restriction is in the best interests of the protected person. If a guardian makes such a determination, the guardian shall file a notice with the court that specifies the restriction on communication, visitation or interaction not later than 10 days after the guardian is informed of the findings in the plan for the care or treatment of the protected person. The guardian shall serve the notice on the protected person, the attorney of the protected person and any person who is the subject of the restriction on communication, visitation or interaction.

Sec. 6. 1. *For good cause, a guardian may petition a court to issue an order restricting the ability of a relative or person of natural affection to communicate, visit or interact with a protected person.*

2. After a petition is filed by a guardian pursuant to subsection 1, a court:

(a) May appoint a person to meet with the protected person to determine his or her wishes regarding communication, visitation or interaction with the relative or person of natural affection;

(b) Shall give notice and an opportunity to be heard to the guardian, the protected person and the relative or person of natural affection;

(c) Shall preserve the right of the protected person to be present at the hearing on the petition; and

(d) May order supervised communication, visitation or interaction between the protected person and the relative or person of natural affection before the hearing on the petition.



3. *Upon a showing of good cause by a guardian, a court may issue an order restricting the communication, visitation or interaction between a protected person and a relative or person of natural affection pursuant to this section. When determining whether to issue an order, a court shall consider the following factors:*

(a) Whether any protective order has been issued to protect the protected person from the relative or person of natural affection;

(b) Whether the relative or person of natural affection has been charged with abuse, neglect or financial exploitation of the protected person;

(c) Whether the protected person has expressed to the court or to the guardian and at least one other independent witness who is not affiliated with or related to the guardian or the protected person a desire to or a desire not to communicate, visit or interact with the relative or person of natural affection;

(d) If the protected person is unable to communicate, whether a properly executed living will, durable power of attorney or other written instrument contains a preference by the protected person regarding his or her communication, visitation or interaction with the relative or person of natural affection; and

(e) Any other factor deemed relevant by the court.

4. *If a protected person is unable to communicate verbally, the guardian shall provide the court with documentation of any physical reactions or manifestations of agitation, distress or combative or overly emotional behavior by the protected person during or following any contact with a relative or person of natural affection or any opposition by the protected person to any communication, visitation or interaction with a relative or person of natural affection for the purpose of allowing the court to consider whether the protected person has expressed a desire not to communicate, visit or interact with the relative or person of natural affection, as set forth in paragraph (c) of subsection 3. Such documentation may include, without limitation, any nursing notes, caregiver records, medical records or testimony of witnesses.*

5. *A guardian, protected person, relative or person of natural affection may petition the court to modify or rescind any order issued pursuant to this section.*

Sec. 7. 1. *Before issuing an order pursuant to section 6 of this act, a court shall consider imposing any restrictions on communication, visitation or interaction between a protected*



person and a relative or person of natural affection in the following order of preference:

(a) Placing reasonable time, manner or place restrictions on communication, visitation or interaction between the protected person and the relative or person of natural affection based on the history between the protected person and the relative or person of natural affection or the wishes of the protected person;

(b) Requiring that any communication, visitation or interaction between the protected person and the relative or person of natural affection be supervised; and

(c) Denying communication, visitation or interaction between the protected person and the relative or person of natural affection.

2. If the court determines that the relative or person of natural affection poses a threat to the protected person, the court may order supervised communication, visitation or interaction pursuant to paragraph (b) of subsection 1 before denying any communication, visitation or interaction.

Sec. 8. *1. If any person, including, without limitation, a protected person, reasonably believes that a guardian has committed an abuse of discretion in making a determination pursuant to paragraph (b) of subsection 1 or subsection 3 of section 5 of this act or has violated a court order issued pursuant to section 6 of this act, the person may petition the court to:*

(a) Require the guardian to grant the relative or person of natural affection access to the protected person;

(b) Restrict or further restrict the access of the relative or person of natural affection to the protected person;

(c) Modify the duties of the guardian; or

(d) Remove the guardian pursuant to NRS 159.185.

2. A guardian who violates any provision of sections 4 to 11, inclusive, of this act is subject to removal pursuant to NRS 159.185.

Sec. 9. *1. Except as otherwise provided in subsection 2, a court shall schedule a hearing on a petition filed pursuant to section 6 or 8 of this act not later than 63 days after the date the petition is filed.*

2. If a petition filed pursuant to section 6 or 8 of this act states that the health of the protected person is in significant decline or that the death of the protected person might be imminent, the court shall issue an order for an emergency hearing and conduct the emergency hearing as soon as practicable but not later than 7 days after the date the petition is filed.



3. *If a court issues an order for an emergency hearing pursuant to subsection 2, the court may order supervised communication, visitation or interaction between the protected person and the relative or person of natural affection before the hearing.*

4. *Notice of the hearing, a copy of the petition and a copy of any order issued pursuant to subsection 2, if applicable, must be personally served upon the protected person and any person against whom the petition is filed. Nothing in this section affects the right of the protected person to appear and be heard in the proceedings.*

Sec. 10. *In a proceeding held pursuant to sections 4 to 11, inclusive, of this act:*

1. *The guardian has the burden of proof if he or she:*

(a) *Petitions the court to restrict the ability of a relative or person of natural affection to communicate, visit or interact with a protected person pursuant to subsection 1 of section 6 of this act;*

(b) *Petitions the court to modify or rescind an order pursuant to subsection 5 of section 6 of this act; or*

(c) *Opposes a petition filed pursuant to section 8 of this act.*

2. *A relative or person of natural affection has the burden of proof if he or she petitions the court to modify or rescind an order pursuant to subsection 5 of section 6 of this act.*

Sec. 11. 1. *In a proceeding held pursuant to sections 4 to 11, inclusive, of this act, if the court finds that:*

(a) *A petition was filed frivolously or in bad faith, the court shall award attorney's fees to the party opposing the petition.*

(b) *A guardian is in contempt of court or has acted frivolously or in bad faith in prohibiting or restricting communication, visitation or interaction between the relative or person of natural affection and the protected person, the court may:*

(1) *Award attorney's fees to the prevailing party; and*

(2) *Impose sanctions against the guardian.*

2. *Any attorney's fees awarded pursuant to this section must not be paid by the protected person or the estate of the protected person.*

Sec. 12. 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, 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 the protected person:*

(a) Is admitted to a secured 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.

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 and shall serve notice upon all interested persons not less than 10 days before moving the protected person. If no objection to the move is received from any interested person within 10 days after receiving the notice, 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. *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 section 13 of this act 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. *A guardian is not required to provide notice to an interested person or person of natural affection in accordance with this section or section 13 of this act 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. 13. 1. *Except as otherwise provided in section 12 of this act, a guardian shall immediately notify all interested persons and persons of natural affection:*

(a) If the guardian reasonably believes that the death of the protected person is likely to occur within the next 30 days and such belief is based on information from a psychologist, physician or other health care provider of the protected person or a person otherwise qualified to provide such a medical opinion, including, without limitation, a health care provider employed by a hospice or by a hospital of the Department of Veterans Affairs.

(b) Upon the death of the protected person.

(c) Upon obtaining any information relating to the burial or cremation of the protected person.

2. *The guardian shall provide notification pursuant to paragraph (b) of subsection 1:*

(a) In person or by telephone to the family members of the protected person or, if the protected person does not have any family members or does not have a relationship with any family members, the person of natural affection designated to receive such notification;

(b) By electronic communication to any family member of the protected person or person of natural affection who has opted to receive notification by electronic communication; and

(c) In writing to all other interested persons and persons of natural affection not given notice pursuant to paragraph (a) or (b).

Sec. 14. 1. *If a guardian of the estate has not been appointed, a guardian of the person may:*

(a) Institute proceedings to compel any person under a duty to support the protected person or to pay for the welfare of the protected person to perform that duty; and

(b) Receive money and tangible property deliverable to the protected person and apply such money and property for the support, care and education of the protected person. The guardian shall not use any money from the estate of the protected person to cover the cost of any room and board that the guardian or the spouse, parent or child of the guardian furnishes to the protected person unless a charge for the service is approved by a court order, after notice to at least one adult relative in the nearest degree of consanguinity to the protected person in which there is



an adult. The guardian shall exercise care to conserve any excess money for the needs of the protected person.

2. If a guardian of the estate has been appointed, any money received by the guardian of the person that is in excess of the money expended to pay for the support, care and education of the protected person must be paid to the guardian of the estate for management of the estate. The guardian of the person shall account to the guardian of the estate for any money expended.

3. A guardian of the person of a protected person for whom a guardian of the estate also has been appointed may receive reasonable sums for any room and board furnished to the protected person if the guardian of the person presents a claim to the guardian of the estate pursuant to NRS 159.107 and 159.109.

4. A guardian of the person may request the guardian of the estate to make a payment from the estate of the protected person to another person or entity for the care and maintenance of the protected person in accordance with NRS 159.107 and 159.109.

Sec. 15. *A protected person or his or her attorney is entitled to receive copies of any accountings relating to any trusts created by or for the benefit of the protected person. A protected person may submit any trust to the jurisdiction of a court if:*

1. The protected person, his or her spouse, or both the protected person and his or her spouse are grantors and sole beneficiaries of the income of the trust; or

2. The trust was created at the discretion of or with the consent of a court.

Sec. 16. *If a guardian:*

1. Is guilty of gross impropriety in handling the property of the protected person;

2. Makes a substantial misstatement in any report filed pursuant to NRS 159.081 or any account filed pursuant to NRS 159.177; or

3. Willfully fails to file a report required by NRS 159.081 or an account required by NRS 159.177 after receiving written notice from the court of the failure to file and a grace period of 2 months after such notification has elapsed,

↳ the court may impose a penalty in an amount not to exceed \$5,000 and order restitution of any money misappropriated from the estate of a protected person, which must be paid by the guardian and must not be paid by the estate of the protected person.



Sec. 17. 1. If a guardian violates any right of a protected person that is set forth in this chapter, a court may take any appropriate action, including, without limitation:

(a) Issuing an order that certain actions be taken or discontinued;

(b) Disallowing any fees payable to the guardian;

(c) After notice and a hearing, issuing an order compensating a protected person or the estate of a protected person for any injury, death or loss of money or property caused by the actions of the guardian or the failure of the guardian to take appropriate action;

(d) Removing the guardian pursuant to NRS 159.185; or

(e) Taking any other action that is proper under the circumstances.

2. If any action by a guardian is deemed to be deliberately harmful or fraudulent or to have been committed with malice, the court may also impose:

(a) Twice the actual damages incurred by the protected person; and

(b) Attorney's fees and costs.

Sec. 18. NRS 159.013 is hereby amended to read as follows:

159.013 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 159.014 to 159.027, inclusive, **and sections 2 and 3 of this act** have the meanings ascribed to them in those sections.

Sec. 19. NRS 159.025 is hereby amended to read as follows:

159.025 “Proposed ~~ward~~²² **protected person**” means any person for whom proceedings for the appointment of a guardian have been initiated in this State or, if the context so requires, for whom similar proceedings have been initiated in another state.

Sec. 20. NRS 159.027 is hereby amended to read as follows:

159.027 ~~“Ward”~~²² **“Protected person”** means any person for whom a guardian has been appointed.

Sec. 21. NRS 159.043 is hereby amended to read as follows:

159.043 1. All petitions filed in any guardianship proceeding must bear the title of the court and cause.

2. The caption of all petitions and other documents filed in a guardianship proceeding must read, “In The Matter of the Guardianship of..... (the person, the estate, or the person and estate),..... (the legal name of the person),..... (adult or minor) ~~ward~~²², **Protected Person.**”



Sec. 22. NRS 159.0455 is hereby amended to read as follows:

159.0455 1. On or after the date of the filing of a petition to appoint a guardian:

(a) The court may *, in any proceeding,* appoint a person to represent the ~~{ward}~~ *protected person* or proposed ~~{ward}~~ *protected person* as a guardian ad litem ~~{}~~ *if the court believes that the protected person or proposed protected person will benefit from the appointment and the services of the guardian ad litem will be beneficial in determining the best interests of the protected person or proposed protected person;* and

(b) The guardian ad litem must represent the ~~{ward}~~ *protected person* or proposed ~~{ward}~~ *protected person* as a guardian ad litem until relieved of that duty by court order.

2. Upon the appointment of the guardian ad litem, the court shall set forth in the order of appointment the duties of the guardian ad litem.

3. ~~{The guardian ad litem is entitled to reasonable compensation from the estate of the ward or proposed ward. If the court finds that a person has unnecessarily or unreasonably caused the appointment of a guardian ad litem, the court may order the person to pay to the estate of the ward or proposed ward all or part of the expenses associated with the appointment of the guardian ad litem.}~~ *If a court-approved volunteer advocate program for guardians ad litem has been established in a judicial district, a court may appoint a person who is not an attorney to represent a protected person or proposed protected person as a guardian ad litem. If such a program has been established, all volunteers participating in the program must complete appropriate training, as determined by relevant national or state sources or as approved by the Supreme Court or the district court in the judicial district, before being appointed to represent a protected person or proposed protected person.*

4. *A guardian ad litem appointed pursuant to this section is an officer of the court and is not a party to the case. A guardian ad litem appointed pursuant to this section shall not offer legal advice to the protected person or proposed protected person but shall:*

(a) *Advocate for the best interests of the protected person or proposed protected person in a manner that will enable the court to determine the action that will be the least restrictive and in the best interests of the protected person or proposed protected person;* and

(b) *Provide any information required by the court.*



Sec. 23. NRS 159.0485 is hereby amended to read as follows:

159.0485 1. ~~{At the first hearing}~~ *Upon the filing of a petition* for the appointment of a guardian for a proposed ~~{adult ward,}~~ *protected person who is an adult*, the court shall ~~{advise}~~ *appoint an attorney for* the proposed ~~{adult ward who is in attendance at the hearing or who is appearing by videoconference at the hearing of his or her right to counsel and determine whether}~~ *protected person unless* the proposed ~~{adult ward}~~ *protected person* wishes to ~~{be represented by counsel in the guardianship proceeding. If the proposed adult ward is not in attendance at the hearing because the proposed adult ward has been excused pursuant to NRS 159.0535 and is not appearing by videoconference at the hearing, the proposed adult ward must be advised of his or her right to counsel pursuant to subsection 2 of NRS 159.0535.}~~ *retain or has already retained an attorney of his or her own choice.*

2. ~~{If an adult ward or proposed adult ward is unable to retain legal counsel and requests the appointment of counsel at any stage in a guardianship proceeding and whether or not the adult ward or proposed adult ward lacks or appears to lack capacity, the}~~ *The* court ~~{shall, at or before the time of the next hearing,}~~ *shall:*

(a) If the proposed protected person resides in a county that has a program for legal services for the indigent which provides legal services for protected persons and proposed protected persons who are adults and the program is able to accept the case, appoint an attorney who works for {legal aid services, if available, or a private} the organization operating the program to represent the proposed protected person. After such an appointment, if it is ascertained that the proposed protected person wishes to have another attorney represent him or her, the court shall appoint that attorney to represent the {adult ward or} proposed {adult ward. The appointed} protected person. An attorney appointed pursuant to this subsection shall represent the {adult ward or} proposed {adult ward} protected person until relieved of the duty by court order.

~~{3. Subject to the discretion and approval of the court, the attorney for the adult ward or}~~

(b) If the proposed {adult ward is entitled to reasonable compensation and expenses. Unless} protected person resides in a county that does not have a program for legal services for the indigent which provides legal services for protected persons and proposed protected persons who are adults, or if such a program exists but the program is unable to accept the case, the court {determines that the adult ward or} shall determine whether the proposed {adult ward does not have} protected person has the



ability to pay ~~{such}~~ *the reasonable* compensation and expenses ~~{for the court shifts the responsibility of payment to a third party.}~~ *of an attorney from his or her estate. If the proposed protected person:*

(1) *Has the ability to pay the reasonable compensation and expenses ~~{must}~~ of an attorney, the court shall order an attorney to represent the proposed protected person and require such compensation and expenses of the attorney to be paid from the estate of the ~~{adult ward or}~~ proposed ~~{adult ward, unless}~~ protected person.*

(2) *Does not have the ability to pay the reasonable compensation and expenses of an attorney, the court may use the money retained pursuant to subparagraph (2) of paragraph (a) of subsection 3 of NRS 247.305 to pay for an attorney to represent the proposed protected person.*

3. *If an attorney is appointed pursuant to paragraph (a) of subsection 2 and the proposed protected person has the ability to pay the compensation and expenses ~~{are provided for or paid by another person or entity.}~~ of an attorney, the organization operating the program for legal services may request that the court appoint a private attorney to represent the proposed protected person, to be paid by the proposed protected person.*

4. *If the court finds that a person has unnecessarily or unreasonably caused the appointment of an attorney, the court may order the person to pay to the estate of the ~~{adult ward}~~ protected person or proposed ~~{adult ward}~~ protected person all or part of the expenses associated with the appointment of the attorney.*

Sec. 24. NRS 159.0535 is hereby amended to read as follows:

159.0535 1. A proposed ~~{ward}~~ *protected person* who is found in this State must attend the hearing for the appointment of a guardian unless:

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

(b) A certificate signed by any other person the court finds qualified to execute a certificate states the condition of the proposed ~~{ward.}~~ *protected person*, the reasons why the proposed ~~{ward}~~ *protected person* is unable to appear in court and whether the ~~{proposed ward's}~~ attendance *of the proposed protected person* at



the hearing would be detrimental to the physical or mental health of the proposed ~~{ward}~~ **protected person**.

2. A proposed ~~{ward}~~ **protected person** found in this State who cannot attend the hearing for the appointment of a general or special guardian as set forth in a certificate pursuant to subsection 1 may appear by videoconference. If the proposed ~~{ward}~~ **protected person** is an adult and cannot attend by videoconference, the person who signs the certificate described in subsection 1 or any other person the court finds qualified shall:

(a) Inform the proposed ~~{adult ward}~~ **protected person** that the petitioner is requesting that the court appoint a guardian for the proposed ~~{adult ward}~~ **protected person**;

(b) Ask the proposed ~~{adult ward}~~ **protected person** for a response to the guardianship petition; **and**

~~(c) Inform the proposed adult ward of his or her right to counsel and ask whether the proposed adult ward wishes to be represented by counsel in the guardianship proceeding; and~~

~~—(d)~~ Ask the preferences of the proposed ~~{adult ward}~~ **protected person** for the appointment of a particular person as the guardian of the proposed ~~{adult ward}~~ **protected person**.

3. If the proposed ~~{ward}~~ **protected person** is an adult, the person who informs the proposed ~~{adult ward}~~ **protected person** of the rights of the proposed ~~{adult ward}~~ **protected person** pursuant to subsection 2 shall state in a certificate signed by that person:

~~(a) That the proposed adult ward has been advised of his or her right to counsel and asked whether he or she wishes to be represented by counsel in the guardianship proceeding;~~

~~—(b)~~ The responses of the proposed ~~{adult ward}~~ **protected person** to the questions asked pursuant to subsection 2; and

~~(c)~~ **(b)** Any conditions that the person believes may have limited the responses by the proposed ~~{adult ward}~~ **protected person**.

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

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



Sec. 25. NRS 159.073 is hereby amended to read as follows:

159.073 1. Every guardian, before entering upon his or her duties as guardian and before letters of guardianship may issue, shall:

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

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

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

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

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

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

(I) Act in the best interest of the ~~{ward}~~ *protected person* at all times.

(II) Provide the ~~{ward}~~ *protected person* with medical, surgical, dental, psychiatric, psychological, hygienic or other care and treatment as needed, with adequate food and clothing and with safe and appropriate housing.

(III) Protect, preserve and manage the income, assets and estate of the ~~{ward}~~ *protected person* and utilize the income, assets and estate of the ~~{ward}~~ *protected person* solely for the benefit of the ~~{ward}~~ *protected person*.

(IV) Maintain the assets of the ~~{ward}~~ *protected person* in the name of the ~~{ward}~~ *protected person* or the name of the guardianship. Except when the spouse of the ~~{ward}~~ *protected person* is also his or her guardian, the assets of the ~~{ward}~~ *protected person* must not be commingled with the assets of any third party.

(V) ~~{Notify the court, all interested parties, the trustee, and named executor or appointed personal representative of the estate of the ward}~~ *Provide notification* of the death of the ~~{ward within 30 days after the death}~~ *protected person in accordance with section 13 of this act.*

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

(3) A list of actions regarding the ~~{ward}~~ *protected person* that require the prior approval of the court.

(4) A statement of the need for accurate recordkeeping and the filing of annual reports with the court regarding the finances and well-being of the ~~{ward}~~ *protected person*.



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

Sec. 26. 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 ~~{ward,}~~ **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 ~~{ward,}~~ **protected person**, including, without limitation, the following:

(a) Supplying the ~~{ward}~~ **protected person** with food, clothing, shelter and all incidental necessities, including locating an appropriate residence for the ~~{ward,}~~ **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 ~~{ward-~~

~~{e)}~~ **protected person.**

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

2. In the performance of the duties enumerated in subsection 1 by a guardian of the person, due regard must be given to the extent of the estate of the ~~{ward,}~~ **protected person**. A guardian of the person is not required to incur expenses on behalf of the ~~{ward}~~ **protected person** except to the extent that the estate of the ~~{ward}~~ **protected person** is sufficient to reimburse the guardian.

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



4. ~~Except as otherwise provided in subsection 6, a~~ A guardian of the person may, *subject to the provisions of subsection 6 and section 12 of this act*, establish and change the residence of the ~~ward~~ *protected person* at any place within this State. ~~without the permission of the court.~~ The guardian shall select the least restrictive appropriate residence which is available and necessary to meet the needs of the ~~ward~~ *protected person* and which is financially feasible.

5. ~~Except as otherwise provided in subsection 6, a~~ A guardian of the person shall petition the court for an order authorizing the guardian to change the residence of the ~~ward~~ *protected person* to a location outside of this State. The guardian must show that the placement outside of this State is in the best interest of the ~~ward~~ *protected person* or that there is no appropriate residence available for the ~~ward~~ *protected person* in this State. The court shall retain jurisdiction over the guardianship unless the guardian files for termination of the guardianship pursuant to NRS 159.1905 or 159.191 or the jurisdiction of the guardianship is transferred to the other state.

6. A guardian of the person must file a ~~petition~~ *notice* with the court ~~requesting authorization~~ *of his or her intent* to move a ~~ward~~ *protected person* to or place a ~~ward~~ *protected person* in a secured residential long-term care facility ~~unless~~ *pursuant to subsection 4 of section 12 of this act unless the secured residential long-term care facility is in this State and:*

(a) *An emergency condition exists pursuant to subsection 5 of section 12 of this act;*

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

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

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

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

Sec. 27. 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 ~~ward~~ *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 ~~ward~~ *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 served, without limitation, on the attorney for the ~~ward,~~ *protected person*, if any.

3. The court may prescribe the form ~~and contents~~ 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. *As used in this section, "facility for long-term care" has the meaning ascribed to it in NRS 427A.028.*

Sec. 28. NRS 159.177 is hereby amended to read as follows:

159.177 **1.** A guardian of the estate or special guardian who is authorized to manage the ~~ward's~~ property *of the protected person* shall make and file a verified account in the guardianship proceeding:

~~1-1~~ (a) Annually, not later than 60 days after the anniversary date of the appointment of the guardian, unless the court orders such an account to be made and filed at a different interval upon a showing of good cause and with the appropriate protection of the interests of the ~~ward.~~

~~2-1~~ *protected person.*



(b) Upon filing a petition to resign and before the resignation is accepted by the court.

~~13-~~ (c) Within 30 days after the date of his or her removal, unless the court authorizes a longer period.

~~14-~~ (d) Within 90 days after the date of termination of the guardianship or the death of the ~~ward,~~ **protected person**, unless the court authorizes a longer period.

~~15-~~ (e) At any other time as required by law or as the court may order.

2. An account filed pursuant to this section must be served on the attorney of the protected person and, if the protected person is living, on the protected person.

Sec. 29. NRS 159.179 is hereby amended to read as follows:

159.179 1. An account made and filed by a guardian of the estate or special guardian who is authorized to manage the ~~ward's~~ property **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 ~~;~~

~~(e)~~ **, 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.

~~(d)~~ (e) Any changes in the ~~ward's~~ property **of the protected person** due to sales, exchanges, investments, acquisitions, gifts, mortgages or other transactions which have increased, decreased or altered the ~~ward's~~ property holdings **of the protected person** as reported in the original inventory or the preceding account ~~;~~

~~(e)~~ **, 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 ~~ward,~~ **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 ~~wards,~~ **protected persons**, it must show the interest of each ~~ward~~ **protected person** in the receipts, disbursements and property.

~~13-~~ 4. Receipts or vouchers for all expenditures must be retained by the guardian for examination by the court or an



interested person. ~~Unless ordered by the court, the~~ *A public guardian ~~is not required to~~ 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 shall* file such receipts or vouchers with the court ~~;~~

~~4.~~ *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 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.

~~5.~~ 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. 30. NRS 159.183 is hereby amended to read as follows:

159.183 1. Subject to the discretion and approval of the court and except as otherwise provided in subsection 4, a guardian must be allowed:

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

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

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

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

(a) The nature of the guardianship;

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

(c) Any other relevant factors.



3. In the absence of an order of the court pursuant to this chapter shifting the responsibility of the payment of compensation and expenses, the payment of compensation and expenses must be paid from the estate of the ~~ward~~ **protected person**. In evaluating the ability of a ~~ward~~ **protected person** to pay such compensation and expenses, the court may consider:

(a) The nature, extent and liquidity of the ~~ward's~~ assets ~~of~~ **of the protected person;**

(b) The disposable net income of the ~~ward~~ **protected person;**

(c) Any foreseeable expenses; and

(d) Any other factors that are relevant to the duties of the guardian pursuant to NRS 159.079 or 159.083.

4. A private professional guardian is not allowed compensation or expenses for services incurred by the private professional guardian as a result of a petition to have him or her removed as guardian if the court removes the private professional guardian pursuant to the provisions of paragraph (b), (d), (e), (f) or ~~(h)~~ **(k)** of subsection 1 of NRS 159.185.

Sec. 31. NRS 159.185 is hereby amended to read as follows:

159.185 1. The court may remove a guardian if the court determines that:

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

(b) The guardian is no longer qualified to act as a guardian pursuant to NRS 159.0613 if the ~~ward~~ **protected person** is an adult or NRS 159.061 if the ~~ward~~ **protected person** is a minor;

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

(d) The guardian of the estate has mismanaged the estate of the ~~ward~~ **protected person;**

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

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

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

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

(g) **The guardian has violated any right of the protected person that is set forth in this chapter;**



(h) The guardian has violated a court order or committed an abuse of discretion in making a determination pursuant to paragraph (b) of subsection 1 or subsection 3 of section 5 of this act;

(i) The guardian has violated any provision of sections 4 to 11, inclusive, of this act or a court order issued pursuant to section 6 of this act;

(j) The best interests of the ~~ward~~ protected person will be served by the appointment of another person as guardian; or

~~(h)~~ *(k) The guardian is a private professional guardian who is no longer qualified as a private professional guardian pursuant to NRS 159.0595.*

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

Sec. 32. NRS 159.1905 is hereby amended to read as follows:

159.1905 1. A ~~ward~~ protected person, the guardian or another person may petition the court for the termination or modification of a guardianship. The petition must state or contain:

(a) The name and address of the petitioner.

(b) The relationship of the petitioner to the ~~ward~~ protected person.

(c) The name, age and address of the ~~ward~~ protected person, if the ~~ward~~ protected person is not the petitioner, or the date of death of the ~~ward~~ protected person if the ~~ward~~ protected person is deceased.

(d) The name and address of the guardian, if the guardian is not the petitioner.

(e) The reason for termination or modification.

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

(g) A general description and the value of the remaining property of the ~~ward~~ protected person and the proposed disposition of that property.

2. Upon the filing of the petition, the court ~~may~~ shall appoint an attorney to represent the ~~ward~~ protected person if:

(a) The ~~ward~~ protected person is unable to retain an attorney; ~~and~~ or

(b) The court determines that the appointment is necessary to protect the interests of the ~~ward~~ protected person.

3. The petitioner has the burden of proof to show by clear and convincing evidence that the termination or modification of the



guardianship of the person, of the estate, or of the person and estate is in the best interests of the ~~ward~~ *protected person*.

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

5. If the court finds that the petitioner did not file a petition for termination or modification in good faith or in furtherance of the best interests of the ~~ward~~ *protected person*, the court may:

(a) Disallow the petitioner from petitioning the court for attorney’s fees from the estate of the ~~ward~~ *protected person*; and

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

Sec. 33. NRS 19.013 is hereby amended to read as follows:

19.013 1. Except as otherwise provided by specific statute, the county clerk or clerk of the court, as applicable, shall charge and collect the following fees:

On the commencement of any action or proceeding in the district court, or on the transfer of any action or proceeding from a district court of another county, except probate or guardianship proceedings, to be paid by the party commencing the action, proceeding or transfer.....	\$56.00
On an appeal to the district court of any case from a justice court or a municipal court, or on the transfer of any case from a justice court or a municipal court.....	42.00
On the filing of a petition for letters testamentary, letters of administration or <i>or</i> setting aside an estate without administration, for a guardianship, which fee includes the court fee prescribed by NRS 19.020, to be paid by the petitioner:	
Where the stated value of the estate is more than \$2,500	72.00
Where the stated value of the estate is \$2,500 or less, no fee may be charged or collected.	



On the filing of a petition for a guardianship, to be paid by the petitioner:

Where the stated value of the estate is more than \$2,500..... \$5.00

Where the stated value of the estate is \$2,500 or less, no fee may be charged or collected.

On the filing of a petition to contest any will or codicil, to be paid by the petitioner	44.00
On the filing of an objection or cross-petition to the appointment of an executor or administrator , for guardian, or an objection to the settlement of account or any answer in an estate for guardianship matter.....	44.00
On the appearance of any defendant or any number of defendants answering jointly, to be paid upon the filing of the first paper in the action by the defendant or defendants	44.00
For filing a notice of appeal.....	24.00
For issuing a transcript of judgment and certifying thereto.....	3.00
For preparing any copy of any record, proceeding or paper, for each page, unless such fee is waived by the county clerk or clerk of the court	0.50
For each certificate of the clerk, under the seal of the court	3.00
For examining and certifying to a copy of any paper, record or proceeding prepared by another and presented for a certificate of the county clerk or clerk of the court	5.00
For filing all papers not otherwise provided for, other than papers filed in actions and proceedings in court and papers filed by public officers in their official capacity	15.00
For issuing any certificate under seal, not otherwise provided for.....	6.00
For searching records or files in the office of the county clerk or clerk of the court, for each year, unless such fee is waived by the county clerk or clerk of the court, as applicable.....	0.50
For filing and recording a bond of a notary public, per name	15.00
For entering the name of a firm or corporation in the register of the county clerk.....	20.00



2. A county clerk may charge and collect, in addition to any fee that a county clerk is otherwise authorized to charge and collect, an additional fee not to exceed \$5 for filing and recording a bond of a notary public, per name. On or before the fifth day of each month, the county clerk shall pay to the county treasurer the amount of fees collected by the county clerk pursuant to this subsection for credit to the account established pursuant to NRS 19.016.

3. Except as otherwise provided by specific statute, all fees prescribed in this section are payable in advance if demanded by the county clerk or clerk of the court, as applicable.

4. The fees set forth in subsection 1 are payment in full for all services rendered by the county clerk or clerk of the court, as applicable, in the case for which the fees are paid, including the preparation of the judgment roll, but the fees do not include payment for typing, copying, certifying or exemplifying or authenticating copies.

5. No fee may be charged to any attorney at law admitted to practice in this State for searching records or files in the office of the clerk. No fee may be charged for any services rendered to a defendant or the defendant's attorney in any criminal case or in habeas corpus proceedings.

6. *Notwithstanding any other provision of law, no fee may be charged or collected for the filing of a petition for a guardianship other than the fee established in subsection 1.*

7. Each county clerk and clerk of the court shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected during the preceding month.

Sec. 34. NRS 19.020 is hereby amended to read as follows:

19.020 1. At the time of the commencement of every civil action or other proceeding in the several district courts, the plaintiff shall pay the clerk of the court in which the action is commenced the sum of \$3, except as otherwise provided by specific statute.

2. At the commencement of any proceeding in any district court for the purpose of procuring an appointment of administration upon the estate of any deceased person, ~~for procuring an appointment as guardian,~~ the party instituting the proceeding shall pay the clerk of the court the sum of \$1.50.

3. Whenever any appeal is taken in a civil action or proceeding from the judgment or decision of a Justice Court, or other tribunal inferior to the district court, the party appealing shall, before the return to the appeal may be filed in the appellate court, pay to the clerk of the appellate court the sum of \$5.



4. The several fees provided for in this section are designated as court fees, and no such action may be deemed commenced, proceedings instituted, nor appeal perfected until the court fees are paid.

Sec. 35. NRS 19.0302 is hereby amended to read as follows:

19.0302 1. Except as otherwise provided by specific statute and in addition to any other fee required by law, the clerk of the court shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the district court, other than those listed in paragraphs (c), (e) and (f), or on the transfer of any action or proceeding from a district court of another county, to be paid by the party commencing the action, proceeding or transfer \$99

(b) On the appearance of any defendant or any number of defendants answering jointly, to be paid upon the filing of the first paper in the action by the defendant or defendants \$99

(c) On the filing of a petition for letters testamentary ~~or~~ **or** letters of administration, ~~for a guardianship,~~ which fee does not include the court fee prescribed by NRS 19.020, to be paid by the petitioner:

(1) Where the stated value of the estate is \$200,000 or more \$352

(2) Where the stated value of the estate is more than \$20,000 but less than \$200,000 \$99

(3) Where the stated value of the estate is \$20,000 or less, no fee may be charged or collected.

(d) On the filing of a motion for summary judgment or a joinder thereto \$200

(e) On the commencement of an action defined as a business matter pursuant to the local rules of practice and on the answer or appearance of any party in any such action or proceeding, to be paid by the party commencing, answering or appearing in the action or proceeding thereto \$1,359

(f) On the commencement of:

(1) An action for a constructional defect pursuant to NRS 40.600 to 40.695, inclusive; or

(2) Any other action defined as “complex” pursuant to the local rules of practice,



- ↳ and on the answer or appearance of any party in any such action or proceeding, to be paid by the party commencing, answering or appearing in the action or proceeding..... \$349
- (g) On the filing of a third-party complaint, to be paid by the filing party..... \$135
- (h) On the filing of a motion to certify or decertify a class, to be paid by the filing party \$349
- (i) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court \$10

2. Except as otherwise provided in subsection 4, fees collected pursuant to this section must be deposited into a special account administered by the county and maintained for the benefit of the district court. The money in that account must be used only:

(a) To offset the costs for adding and maintaining new judicial departments, including, without limitation, the cost for additional staff;

(b) To reimburse the county for any capital costs incurred for maintaining any judicial departments that are added by the 75th Session of the Nevada Legislature; and

(c) If any money remains in the account in a fiscal year after satisfying the purposes set forth in paragraphs (a) and (b), to:

(1) Acquire land on which to construct additional facilities for the district court or a regional justice center that includes the district court;

(2) Construct or acquire additional facilities for the district court or a regional justice center that includes the district court;

(3) Renovate or remodel existing facilities for the district court or a regional justice center that includes the district court;

(4) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the district court or a regional justice center that includes the district court;

(5) Acquire advanced technology;

(6) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the district court or a regional justice center that includes the district court;

(7) In a county whose population is less than 100,000, support court appointed special advocate programs for children, at the discretion of the judges of the judicial district;



(8) In a county whose population is less than 100,000, support legal services to the indigent and to be used by the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent; or

(9) Be carried forward to the next fiscal year.

3. Except as otherwise provided by specific statute, all fees prescribed in this section are payable in advance if demanded by the clerk of the court.

4. Each clerk of the court shall, on or before the fifth day of each month, account for and pay to the county treasurer:

(a) In a county whose population is 100,000 or more, an amount equal to \$10 of each fee collected pursuant to paragraphs (a) and (b) of subsection 1 during the preceding month. The county treasurer shall remit quarterly to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the clerk of the court pursuant to this paragraph.

(b) All remaining fees collected pursuant to this section during the preceding month.

Sec. 36. 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 any document, for the first page \$10
- (b) For each additional page \$1
- (c) For recording each portion of a document which must be separately indexed, after the first indexing \$3
- (d) For copying any record, for each page \$1
- (e) For certifying, including certificate and seal \$4
- (f) For a certified copy of a certificate of marriage \$10
- (g) For a certified abstract of a certificate of marriage \$10
- (h) 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 \$3 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\$1~~ \$4 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 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.

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 \$3 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.

5. Except as otherwise provided in this subsection or subsection 6 or by specific statute, 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 \$25 for recording any document that does not meet the standards set forth in subsection 3 of NRS 247.110. A county recorder shall not charge the additional fee authorized by this subsection for recording a document that is exempt from the provisions of subsection 3 of NRS 247.110.

6. Except as otherwise provided in subsection 7, 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.



7. 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.

8. 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.

9. Except as otherwise provided in subsection 2, 3, 4 or 8 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.

10. 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. 37. 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 any document, for the first page \$10
- (b) For each additional page \$1
- (c) For recording each portion of a document which must be separately indexed, after the first indexing \$3
- (d) For copying any record, for each page..... \$1
- (e) For certifying, including certificate and seal..... \$4
- (f) For a certified copy of a certificate of marriage \$10
- (g) For a certified abstract of a certificate of marriage..... \$10
- (h) 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 \$3 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 ~~\$4~~ \$5 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 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 compensation of investigators appointed by the court pursuant to section 28 of Assembly Bill No. 319 of this session.

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 \$3 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.

5. Except as otherwise provided in this subsection or subsection 6 or by specific statute, 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 \$25 for recording any document that does not meet the standards set forth in subsection 3 of NRS 247.110. A county recorder shall not charge the additional fee authorized by this subsection for recording a document that is exempt from the provisions of subsection 3 of NRS 247.110.

6. Except as otherwise provided in subsection 7, 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.

7. 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.

8. 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.

9. Except as otherwise provided in subsection 2, 3, 4 or 8 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.

10. 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. 38. NRS 628B.100 is hereby amended to read as follows:

628B.100 ~~["Ward"]~~ ***"Protected person"*** has the meaning ascribed to it in NRS 159.027.

Sec. 39. 1. When the next reprint of the Nevada Revised Statutes is prepared by the Legislative Counsel, the Legislative Counsel shall replace the term "ward" as it appears in the Nevada Revised Statutes with the term "protected person" in the manner provided in this act.

2. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, make such changes as necessary so that the term "ward" is replaced with the term "protected person" as provided for in this act.

3. To the extent that revisions are made to the Nevada Revised Statutes pursuant to subsection 1, the revisions shall be construed as nonsubstantive and it is not the intent of the Nevada Legislature to modify any existing interpretations of any statute which is so revised.



Sec. 40. The amendatory provisions of section 23 of this act apply to a petition for the appointment of a guardian for a proposed protected person that is filed on or after July 1, 2017.

Sec. 41. 1. This section and sections 1 to 36, inclusive, 38, 39 and 40 of this act become effective on July 1, 2017.

2. Section 37 of this act becomes effective on July 1, 2017, if, and only if, Assembly Bill No. 319 of this session is enacted by the Legislature and becomes effective.



