

SENATE BILL NO. 127—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON SENIOR
CITIZENS, VETERANS AND ADULTS WITH SPECIAL NEEDS)

PREFILED FEBRUARY 4, 2011

Referred to Committee on Judiciary

SUMMARY—Revises provisions concerning guardianships for certain veterans and their dependents. (BDR 13-160)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to guardianships; requiring, under certain circumstances, a guardian who is appointed for a ward who is a beneficiary of the Department of Veterans Affairs to handle certain other money payable to the ward in the same manner as money payable by the Department of Veterans Affairs; revising the limitation on the number of such wards for whom a guardian may serve; revising provisions relating to the compensation of a guardian of such a ward; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law sets forth the general procedures for the appointment of a guardian
2 for a ward, the powers and duties of a guardian and the allowable compensation for
3 a guardian’s services. (Chapter 159 of NRS) Existing law, the Uniform Veterans’
4 Guardianship Act, sets forth specific procedures for the appointment of a guardian
5 for a ward who is a beneficiary of the Department of Veterans Affairs, the powers
6 and duties of such a guardian and the allowable compensation for such a guardian’s
7 services. (Chapter 160 of NRS)
8 **Section 1** of this bill requires a guardian for a ward who is a beneficiary of the
9 Department of Veterans Affairs to handle any money payable to the ward from a
10 source other than the Department of Veterans Affairs in the same manner as money
11 payable to the ward by the Department of Veterans Affairs unless doing so would
12 be inconsistent with federal law.



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13 Under existing law it is unlawful, with certain exceptions, for a person to accept
14 appointment as a guardian of a ward who is a beneficiary of the Department of
15 Veterans Affairs if the person is at the time serving as guardian for five such wards.
16 (NRS 160.040) **Section 2** of this bill: (1) increases from 5 to 10 the number of
17 wards who are beneficiaries of the Department of Veterans Affairs for whom a
18 guardian may serve; (2) deletes the existing exception which allows a guardian to
19 serve more than five such wards if the wards are all members of the same family;
20 and (3) provides an exception which allows a guardian to serve more than 10 such
21 wards if the Department of Veterans Affairs authorizes the person to do so.

22 **Section 3** of this bill decreases the allowable compensation for a guardian of a
23 ward who is a beneficiary of the Department of Veterans Affairs from 5 percent to
24 4 percent of the income of the ward during any year. **Section 3** also removes the
25 authority of the court to authorize the payment of additional compensation to such
26 guardians for extraordinary services.

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

1 **Section 1.** Chapter 159 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. To the extent consistent with federal law, a guardian of a*
4 *ward who is a beneficiary of the Department of Veterans Affairs*
5 *shall handle any money payable to the ward by a source other*
6 *than the Department of Veterans Affairs in the same manner as*
7 *money payable to the ward by the United States through the*
8 *Department of Veterans Affairs. In handling the money pursuant*
9 *to this section, the guardian shall comply with the provisions of*
10 *chapter 160 of NRS and any relevant federal law, including,*
11 *without limitation, the requirements concerning filing an account*
12 *as set forth in NRS 160.100 and compensating the guardian as set*
13 *forth in NRS 160.120.*

14 *2. As used in this section, "Department of Veterans Affairs"*
15 *has the meaning ascribed to it in NRS 160.020.*

16 **Sec. 2.** NRS 160.040 is hereby amended to read as follows:
17 160.040 1. Except as otherwise provided in this section, it is
18 unlawful for any person to accept appointment as guardian of any
19 ward if the proposed guardian is at that time acting as guardian for
20 ~~five~~ 10 wards. In any case, upon presentation of a petition by an
21 attorney of the Department of Veterans Affairs pursuant to this
22 section alleging that a guardian is acting in a fiduciary capacity for
23 more than ~~five~~ 10 wards and requesting his or her discharge for
24 that reason, the court, upon proof substantiating the petition, shall
25 require a final accounting from the guardian and shall discharge the
26 guardian in the case.

27 2. The limitations of this section do not apply where the
28 guardian is a bank or trust company acting for the wards' estates
29 only.



1 3. ~~[An individual]~~ *A person* may be guardian of more than
2 ~~[five]~~ 10 wards if ~~[they are all members of the same family.]~~ *the*
3 *Department of Veterans Affairs authorizes the person to do so.*

4 4. The limitations of this section do not apply to the Executive
5 Director for Veterans' Services or to a public guardian.

6 **Sec. 3.** NRS 160.120 is hereby amended to read as follows:

7 160.120 Compensation payable to a guardian must not exceed
8 ~~[5]~~ 4 percent of the income of the ward during any year. ~~[In the~~
9 ~~event of extraordinary services rendered by any guardian, the court~~
10 ~~may, upon petition and after hearing thereon, authorize additional~~
11 ~~compensation therefor payable from the estate of the ward. Notice~~
12 ~~of such petition and hearing must be given to the proper office of the~~
13 ~~Department of Veterans Affairs in the manner provided in NRS~~
14 ~~160.100.]~~ No compensation may be allowed on the corpus of an
15 estate received from a preceding guardian. The guardian may be
16 allowed from the estate of the ward of the guardian reasonable
17 premiums paid by him or her to any corporate surety upon his or her
18 bond.

