

SENATE BILL NO. 168—SENATOR HARRIS

PREFILED FEBRUARY 13, 2017

Referred to Committee on Judiciary

SUMMARY—Establishes the Wards’ Bill of Rights. (BDR 13-6)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: No.

CONTAINS UNFUNDED MANDATE (§ 4)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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; establishing the Wards’ Bill of Rights; requiring each court having jurisdiction of the persons and estates of minors, incompetent persons or persons of limited capacity to perform certain actions to ensure the Wards’ Bill of Rights is available to the public; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law establishes provisions governing the appointment of a guardian for  
2 a ward. (Chapter 159 of NRS) **Section 3** of this bill establishes the Wards’ Bill of  
3 Rights, which sets forth certain specific rights of wards. **Section 4** of this bill  
4 requires each court having jurisdiction of the persons and estates of minors,  
5 incompetent persons or persons of limited capacity to: (1) make the Wards’ Bill of  
6 Rights readily available to the public; (2) maintain a copy of the Wards’ Bill of  
7 Rights in the court for reproduction and distribution to the public; and (3) ensure  
8 that the Wards’ Bill of Rights is posted in a conspicuous place in the court and on  
9 the court’s Internet website.

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 the provisions set forth as sections 2, 3 and 4 of this act.  
3 **Sec. 2.** *Section 3 of this act may be cited as the Wards’ Bill of*  
4 *Rights.*



\* S B 1 6 8 \*

1       **Sec. 3. 1. The Legislature hereby declares that, except as**  
2 *otherwise specifically provided by law, each proposed ward has the*  
3 *right to have an attorney before a guardianship is imposed to ask*  
4 *the court for relief, and each ward has the right to:*

5       **(a) Have an attorney at any time during a guardianship to ask**  
6 *the court for relief.*

7       **(b) Receive notice of all guardianship proceedings and all**  
8 *proceedings relating to a determination of capacity unless the*  
9 *court determines that the ward lacks the capacity to comprehend*  
10 *such notice.*

11       **(c) Receive a copy of all documents filed in a guardianship**  
12 *proceeding.*

13       **(d) Have a family member, an interested party or a**  
14 *medical provider speak or raise any issues of concern on behalf of*  
15 *the ward during a court hearing, either orally or in writing,*  
16 *including, without limitation, issues relating to a conflict with a*  
17 *guardian.*

18       **(e) Be educated about guardianships and ask questions and**  
19 *express concerns and complaints about a guardian and the actions*  
20 *of a guardian, either orally or in writing.*

21       **(f) Participate in developing a plan for his or her care,**  
22 *including, without limitation, managing his or her assets and*  
23 *personal property and determining his or her residence and the*  
24 *manner in which he or she will receive services.*

25       **(g) Have due consideration given to his or her current and**  
26 *previously stated personal desires, preferences for health care and*  
27 *medical treatment and religious and moral beliefs.*

28       **(h) Remain as independent as possible, including, without**  
29 *limitation, to have his or her preference honored regarding his or*  
30 *her residence and standard of living, either as expressed or*  
31 *demonstrated before a determination was made relating to*  
32 *capacity or as currently expressed, if the preference is reasonable*  
33 *under the circumstances.*

34       **(i) Be granted the greatest degree of freedom possible,**  
35 *consistent with the reasons for a guardianship, and exercise*  
36 *control of all aspects of his or her life that are not delegated to a*  
37 *guardian specifically by a court order.*

38       **(j) Engage in any activity that the court has not expressly**  
39 *reserved for a guardian, including, without limitation, voting,*  
40 *marrying or entering into a domestic partnership, traveling,*  
41 *working and having a driver's license.*

42       **(k) Be treated with respect and dignity.**

43       **(l) Be treated fairly by his or her guardian.**



1       (m) *Maintain privacy and confidentiality in personal matters.*

2       (n) *Receive telephone calls and personal mail and have*  
3 *visitors, unless his or her guardian and the court determine that*  
4 *particular correspondence or a particular visitor will cause harm*  
5 *to the ward.*

6       (o) *Receive timely, effective and appropriate health care and*  
7 *medical treatment that does not violate his or her rights.*

8       (p) *Have all services provided by a guardian at a reasonable*  
9 *rate of compensation and have a court review any requests for*  
10 *payment to avoid excessive or unnecessary fees or duplicative*  
11 *billing.*

12       (q) *Receive prudent financial management of his or her*  
13 *property and regular detailed reports of financial accounting,*  
14 *including, without limitation, reports on any investments or trusts*  
15 *that are held for his or her benefit and any expenditures or fees*  
16 *charged to his or her estate.*

17       (r) *Receive and control his or her salary, maintain a bank*  
18 *account and manage his or her personal money.*

19       (s) *Ask the court to:*

20           (1) *Review the management activity of a guardian if a*  
21 *dispute cannot be resolved.*

22           (2) *Continually review the need for a guardianship or*  
23 *modify or terminate a guardianship.*

24           (3) *Replace the guardian.*

25           (4) *Enter an order restoring his or her capacity at the*  
26 *earliest possible time.*

27       2. *The rights of a ward set forth in subsection 1 do not*  
28 *abrogate any remedies provided by law. All such rights may be*  
29 *addressed in a guardianship proceeding or be enforced through a*  
30 *private right of action.*

31       **Sec. 4. Each court shall:**

32           1. *Make the Wards' Bill of Rights readily available to the*  
33 *public;*

34           2. *Maintain a copy of the Wards' Bill of Rights in the court*  
35 *for reproduction and distribution to the public; and*

36           3. *Ensure that the Wards' Bill of Rights is posted:*

37           (a) *In a conspicuous place, in at least 12-point type, in the*  
38 *court; and*

39           (b) *On the Internet website of the court.*

40       **Sec. 5.** *The provisions of NRS 354.599 do not apply to any*  
41 *additional expenses of a local government that are related to the*  
42 *provisions of this act.*



- 1     **Sec. 6.** This act becomes effective:  
2     1. Upon passage and approval for the purpose of performing  
3 any preparatory administrative tasks that are necessary to carry out  
4 the provisions of this act; and  
5     2. On January 1, 2018, for all other purposes.

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\* S B 1 6 8 \*