

ASSEMBLY BILL NO. 282—ASSEMBLYMEN GIUNCHIGLIANI,  
CONKLIN, DENIS, HOGAN, HORNE, KOIVISTO AND OHRENSCHALL

MARCH 21, 2005

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Referred to Committee on Judiciary

**SUMMARY**—Makes various changes concerning guardianship.  
(BDR 13-266)

**FISCAL NOTE:** Effect on Local Government: May have Fiscal Impact.  
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.

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AN ACT relating to guardianship; requiring professional guardians to meet national standards of training and competence; requiring certain guardians to submit to an investigation of their criminal history; requiring guardians to complete a training program conducted by the public guardian; authorizing a public guardian to compel certain guardians to make and file a verified account in a guardianship proceeding; increasing the fees to commence a proceeding for the appointment of a guardian to provide money for the training and registration of public guardians; requiring that certain fees to commence a proceeding for the appointment of a guardian be paid to a fund for the office of the public guardian; requiring a public guardian to conduct a training program for guardians; requiring a public guardian to meet national standards of training and competence; requiring a board of county commissioners to establish the office of public guardian; and providing other matters properly relating thereto.



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. 1.** *Except as otherwise provided by law, or unless*  
4 *expressly waived by the court, a professional guardian shall,*  
5 *before entering upon his duties as guardian, demonstrate to the*  
6 *court that he is registered with the National Guardianship*  
7 *Foundation as a:*

8       (i) *Registered Guardian; or*

9       (ii) *Master Guardian.*

10       2. *As used in this section, “professional guardian” means a*  
11 *guardian who holds himself out by advertising, solicitation or*  
12 *other means as available to serve as a guardian in this State and*  
13 *who engages in the business of serving as a guardian.*

14       **Sec. 3.** *Except as otherwise provided by law, or unless*  
15 *expressly waived by the court, a guardian shall, before entering*  
16 *upon his duties as guardian, demonstrate to the court that he has*  
17 *completed the training program conducted by a public guardian*  
18 *pursuant to section 9 of this act.*

19       **Sec. 4. 1.** *Except as otherwise provided in this section, a*  
20 *guardian shall, before entering upon his duties as guardian,*  
21 *submit to the clerk of the district court a complete set of his*  
22 *fingerprints and written authorization for the clerk to forward the*  
23 *fingerprints to the Central Repository for Nevada Records of*  
24 *Criminal History for submission to the Federal Bureau of*  
25 *Investigation for a report concerning the criminal history of the*  
26 *guardian.*

27       2. *If the guardian is an organization appointed pursuant to*  
28 *NRS 662.245 or its joint appointees, a banking corporation, trust*  
29 *company or other entity authorized to act as a fiduciary in this*  
30 *State, each natural person associated with the guardian who has*  
31 *direct contact with the ward or access to the assets of the ward*  
32 *must comply with subsection 1.*

33       3. *The guardian shall pay all costs incurred to comply with*  
34 *this section.*

35       4. *This section does not apply to a guardian or natural person*  
36 *associated with the guardian who has satisfied the requirements of*  
37 *subsection 1 within the immediately preceding 2 years.*

38       5. *A court may waive compliance with this section.*

39       6. *As used in this section:*

40       (a) *“Banking corporation” has the meaning ascribed to it in*  
41 *NRS 657.016.*



1 (b) "Trust company" has the meaning ascribed to it  
2 NRS 669.070.

3 Sec. 5. NRS 159.177 is hereby amended to read as follows:

4 159.177 A guardian of the estate or special guardian who is  
5 authorized to manage the ward's property shall make and file a  
6 verified account in the guardianship proceeding:

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

12 2. Upon filing a petition to resign and before the resignation is  
13 accepted by the court.

14 3. Within 30 days after the date of his removal, unless the court  
15 authorizes a longer period.

16 4. Within 90 days after the date of termination of the  
17 guardianship or the death of the ward, unless the court authorizes a  
18 longer period.

19 5. *Upon the motion of the public guardian of the county.*

20 6. At any other time as required by law or as the court may  
21 order.

22 Sec. 6. Chapter 19 of NRS is hereby amended by adding  
23 thereto a new section to read as follows:

24 1. *Except as otherwise provided by specific statute, on the*  
25 *commencement of proceedings for the appointment of a guardian,*  
26 *the county clerk of each county, in addition to any other fee*  
27 *provided by law, shall charge and collect \$1 from the party*  
28 *commencing the proceeding.*

29 2. *On or before the first Monday of each month, the county*  
30 *clerk shall account for and pay over to the county treasurer the*  
31 *amount of all fees collected by him pursuant to subsection 1 for*  
32 *the preceding calendar month for credit to the fund for the*  
33 *training and registration of public guardians created pursuant to*  
34 *section 11 of this act.*

35 Sec. 7. NRS 19.013 is hereby amended to read as follows:

36 19.013 1. Except as otherwise provided by specific statute,  
37 each county clerk shall charge and collect the following fees:

38  
39 On the commencement of any action or proceeding in  
40 the district court, or on the transfer of any action or  
41 proceeding from a district court of another county,  
42 except probate or guardianship proceedings, to be  
43 paid by the party commencing the action,  
44 proceeding or transfer ..... \$56



1	On an appeal to the district court of any case from a	
2	justice's court or a municipal court, or on the	
3	transfer of any case from a justice's court or a	
4	municipal court .....	\$42
5	On the filing of a petition for letters testamentary,	
6	letters of administration, setting aside an estate	
7	without administration, or a guardianship, which fee	
8	includes the court fee prescribed by NRS 19.020, to	
9	be paid by the petitioner:	
10	Where the stated value of the estate is more than	
11	\$2,500 .....	72
12	Where the stated value of the estate is \$2,500 or	
13	less, no fee may be charged or collected.	
14	On the filing of a petition to contest any will or codicil,	
15	to be paid by the petitioner.....	44
16	On the filing of an objection or cross-petition to the	
17	appointment of an executor, administrator or	
18	guardian, or an objection to the settlement of	
19	account or any answer in an estate or guardianship	
20	matter .....	44
21	On the appearance of any defendant or any number of	
22	defendants answering jointly, to be paid upon the	
23	filing of the first paper in the action by him or them.....	44
24	For filing a notice of appeal .....	24
25	For issuing a transcript of judgment and certifying	
26	thereto .....	3
27	For preparing any copy of any record, proceeding or	
28	paper, for each page .....	1
29	For each certificate of the clerk, under the seal of the	
30	court .....	3
31	For examining and certifying to a copy of any paper,	
32	record or proceeding prepared by another and	
33	presented for his certificate .....	5
34	For filing all papers not otherwise provided for, other	
35	than papers filed in actions and proceedings in court	
36	and papers filed by public officers in their official	
37	capacity .....	15
38	For issuing any certificate under seal, not otherwise	
39	provided for.....	6
40	For searching records or files in his office, for each	
41	year.....	1
42	For filing and recording a bond of a notary public, per	
43	name .....	15
44	For entering the name of a firm or corporation in the	
45	register of the county clerk .....	20



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

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

9 4. No fee may be charged any attorney at law admitted to  
10 practice in this State for searching records or files in the office of the  
11 clerk. No fee may be charged for any services rendered to a  
12 defendant or his attorney in any criminal case or in habeas corpus  
13 proceedings.

14 5. Each county clerk shall, on or before the fifth day of each  
15 month, account for and pay to the county treasurer all fees collected  
16 during the preceding month. *The amount of fees paid in connection  
17 with any guardianship proceeding shall be accounted for  
18 separately and, except as otherwise provided in NRS 19.020, paid  
19 to the county treasurer for credit to the fund for the office of the  
20 public guardian created pursuant to section 12 of this act.*

21 **Sec. 8.** Chapter 253 of NRS is hereby amended by adding  
22 thereto the provisions set forth as sections 9 to 12, inclusive, of this  
23 act.

24 **Sec. 9. 1.** *The public guardian of a county shall conduct a  
25 training program for guardians.*

26 2. *The program must cover, without limitation:*

27 (a) *Legal issues concerning guardianship;*

28 (b) *The responsibilities of a guardian of a person;*

29 (c) *The responsibilities of a guardian of the estate of a person;*

30 (d) *Medical and social issues relating to incapacity; and*

31 (e) *Community resources available to guardians and wards.*

32 3. *The training must not take more than 8 hours to complete.*

33 4. *The public guardian shall furnish to each person who  
34 completes the course a certificate of completion.*

35 **Sec. 10. 1.** *A public guardian, including a deputy appointed  
36 to perform the duties of the public guardian, must be registered  
37 with the National Guardianship Foundation as a:*

38 (a) *Registered Guardian; or*

39 (b) *Master Guardian.*

40 2. *This section does not apply to an ex officio public  
41 guardian.*

42 **Sec. 11. 1.** *The board of county commissioners shall create  
43 in the county treasury a fund for training and registration of  
44 public guardians.*



1       2. *In addition to the money from the fee collected pursuant to*  
2 *section 6 of this act, the interest earned on the money in the fund,*  
3 *after deducting any applicable charges, must be credited to the*  
4 *fund.*

5       3. *The board of county commissioners may use the money in*  
6 *the fund only to pay expenses related to the training and*  
7 *registration of public guardians.*

8       **Sec. 12.** *1. The board of county commissioners shall create*  
9 *in the county treasury a fund for the office of the public guardian.*

10       2. *In addition to the money from the fees collected pursuant to*  
11 *NRS 19.013, the interest earned on the money in the fund, after*  
12 *deducting any applicable charges, must be credited to the fund.*

13       3. *The board of county commissioners may use the money in*  
14 *the fund only to carry out the powers and duties of the office of*  
15 *public guardian and to enforce the provisions of chapter 159 of*  
16 *NRS.*

17       **Sec. 13.** NRS 253.0415 is hereby amended to read as follows:

18       253.0415 1. The public administrator shall:

19       (a) Investigate:

20           (1) The financial status of any proposed ward for whom he  
21 has been requested to serve as guardian to determine whether he is  
22 eligible to serve in that capacity.

23           (2) The financial status of any decedent for whom he has  
24 been requested to serve as administrator to determine the assets and  
25 liabilities of the estate.

26           (3) Whether there is any qualified person who is willing and  
27 able to serve as guardian for a ward or administrator of the estate of  
28 an intestate decedent to determine whether he is eligible to serve in  
29 that capacity.

30       (b) Petition the court for appointment as guardian of the person  
31 and estate of any ward if, after investigation, the public  
32 administrator finds that he is eligible to serve. Except as otherwise  
33 provided in subsection 2, this petition for appointment as guardian  
34 must be made by the public administrator regardless of the amount  
35 of assets in the guardianship estate if no other qualified person  
36 having a prior right is willing and able to serve.

37       (c) Except as otherwise provided in NRS 253.0403 and  
38 253.0425, petition the court for letters of administration of the estate  
39 of a person dying intestate if, after investigation, the public  
40 administrator finds that there is no other qualified person having a  
41 prior right who is willing and able to serve.



1 (d) Upon court order, act as:

2 (1) Guardian of the person and estate of an adult ward; or

3 (2) Administrator of the estate of a person dying intestate,

4 ↪ regardless of the amount of assets in the estate of the ward or  
5 decedent if no other qualified person is willing and able to serve.

6 2. The public administrator is not eligible to serve as a  
7 guardian of the person and estate of a ward ~~if the board of county~~  
8 ~~commissioners of his county has established the office of public~~  
9 ~~guardian pursuant to NRS 253.150.]~~ unless the board has designated  
10 the public administrator as ex officio public guardian.

11 **Sec. 14.** NRS 253.150 is hereby amended to read as follows:

12 253.150 1. The board of county commissioners of ~~any~~  
13 ~~county may] a county shall~~ establish the office of public guardian.

14 2. The board of county commissioners may:

15 (a) Appoint a public guardian, who serves at the pleasure of the  
16 board, for a term of 4 years from the day of appointment; or

17 (b) Designate an elected or appointed county officer as ex  
18 officio public guardian.

19 3. The compensation of a public guardian appointed or  
20 designated pursuant to subsection 2 must be fixed by the board of  
21 county commissioners and paid out of the county general fund.

22 **Sec. 15.** NRS 380.110 is hereby amended to read as follows:

23 380.110 1. Except as otherwise provided in subsection 5 ~~]~~  
24 ~~and NRS 19.013~~, any ordinance of a board of county commissioners  
25 establishing a law library under the provisions of this chapter must  
26 require that, from the fees received by the county clerk pursuant to  
27 NRS 19.013, a sum established by the ordinance, not exceeding \$30  
28 in any case, must be allocated by the county clerk to a fund  
29 designated as the law library fund. These allocations may be made  
30 from the fees collected by the county clerk for the commencement  
31 in or removal to the district court of the county of any civil action,  
32 proceeding or appeal, on filing the first paper therein, or from the  
33 fees collected by the county clerk for the appearance of any  
34 defendant, or any number of defendants, answering jointly or  
35 separately, or from both of these sources as may be determined by  
36 the ordinance.

37 2. All money so set aside must be paid by the county clerk to  
38 the county treasurer, who shall keep it separate in the law library  
39 fund.

40 3. The board of county commissioners may transfer from the  
41 county general fund to the law library fund such amounts as it  
42 determines are necessary for purposes of the law library.

43 4. Money in the law library fund must be:

44 (a) Expended for the purchase of law books, journals,  
45 periodicals and other publications.



1 (b) Expended for the establishment and maintenance of the law  
2 library.

3 (c) Drawn therefrom and used and applied only as provided in  
4 this chapter.

5 5. In a county whose population is 400,000 or more, the sum  
6 established by the ordinance must be no less than \$15 nor more than  
7 \$30 in any case.

8 **Sec. 16.** 1. A guardian who was appointed and entered upon  
9 his duties as a guardian before October 1, 2005, is exempt from  
10 sections 2, 3 and 4 of this act for the duration of that appointment.

11 2. A public guardian appointed by a board of county  
12 commissioners pursuant to NRS 253.150 before October 1, 2005, is  
13 exempt from section 10 of this act for the duration of the term of his  
14 appointment.

15 3. A deputy appointed by a public guardian to perform the  
16 duties of his office pursuant to NRS 253.175 before October 1,  
17 2005, is exempt from section 10 of this act for the duration of the  
18 term of the public guardian who appointed him.

