

# GUARDIANSHIP TRAINING



PRESENTED BY CLARK COUNTY PUBLIC GUARDIAN'S OFFICE

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### Public Guardian vs. Private Guardians

<p>↓</p> <p><b>Public</b></p> <ul style="list-style-type: none"><li>• Appointed by the BCC</li><li>• One PG for Clark County</li><li>• Guardian of last resort</li></ul>	<p>↓</p> <p><b>Private</b></p> <ul style="list-style-type: none"><li>• Family/Friend</li><li>• Less than 3 Protected Persons</li></ul>	<p>↓</p> <p><b>Private Professional</b></p> <ul style="list-style-type: none"><li>• For-Profit Business</li><li>• 3 or more Protected Persons</li></ul>
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All guardians are held to the same requirements under NRS 159.

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## What is Guardianship?

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### Definitions-Per NRS 159

- Guardian/Co-Guardian
- Protected Person
- Incapacitated
- Representative Payee
- Limited Capacity

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### Alternatives to Guardianship

- Representative Payee
- Durable Power of Attorney for Health Care Decisions-Per NRS 449.800
- Durable Financial Power of Attorney
- Living Trust

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### Types of Guardianship

- General Guardianship vs. Temporary Guardianship
- Summary vs. General
- Person and/or Estate

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### Legal Duties of a Guardian

- Guardian of Person (NRS 159.079)
- Guardian of Estate (NRS 159.083)
- Guardian of a Minor (NRS 159 A)

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### Rights of Protected Person

- In general, the protected person keeps all legal and civil rights guaranteed to all residents under the states' and the United States' Constitution.
- During the 2017 Legislative Session, the State of Nevada instituted a Guardianship Bill of Rights.
  - See Handout

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### Guardian of Person

- Monitor health care agencies
- Review medical charts
- Ensure proper dietary needs
- Safety of the protected person in their residence
- Ensure proper placement
  - Least restrictive alternative
- Evaluate need for guardianship
- Substituted Judgement

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**Time to Take a Break...**

Stretch, Dance and move...



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**Order of Preference**

- A nominated person
- A requested person
- A spouse or domestic partner.
- A child.
- A parent.
- Any relative currently acting as agent.
- A sibling.
- A grandparent or grandchild.
- An uncle, aunt, niece, nephew or cousin.
- Any person recognized to be in a familial relationship.

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**A Person Is Not Suitable if...**

- Basic needs cannot be met
- Habitual user of alcohol/drugs
- Convicted of abuse, neglect or exploitation
- Deemed incapacitated
- Convicted of a felony
- Disbarred/license revoked
- Under the age of 18

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## NGA Standards of Practice

- National Guardianship Association
- <https://www.guardianship.org/standards/>

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## Court Authorization

- Court permission must be sought prior to taking certain actions as Guardian of Person and/or Estate.

Statutes change, as guardian you will need to review them after each legislative session to ensure ongoing compliance.

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## Notification

- Notification must also be provided to the Court before or after certain actions are taken.
- Notice of intent to move
- Notice of emergency move

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### Legal Documents

- Clark County Self Help Center
- Cover Sheet
- Petition
- Confidential Information
- Citation
- Affidavits
- Order Appointing
- Letters of Guardianship
- Certificate of Incapacity
- Admonishment of Rights

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### Financial Legal Documents

- Inventory and Budget due in 60 days
- Annual Report of Guardian/Annual Accountings
  - ✓ Must be filed annually within 60 days of the anniversary date of appointment.
  - ✓ The anniversary date of guardianship is the date of original appointment. A successor guardianship would use that original date.
- Bonding/Blocked Accounts
- Final Accounting

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### Clark County Family Court and Regional Justice Center (RJC)

Family Court, 601 N. Pecos, Las Vegas, NV 89155 (702) 455-1500



RJC, 200 Lewis Ave., Las Vegas, NV 89101  
Online Self-Help Center:  
[www.familylawselfhelpcenter.org](http://www.familylawselfhelpcenter.org)



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## Removal of a Guardian

The guardian is no longer qualified per NRS if...

- The guardian has become incapacitated
- The guardian has filed bankruptcy within the previous five years
- Mismanagement of the protected person's estate
- Intentionally or unintentionally failed to perform duties provided by law
- Negligence resulting in injury to the protected person or the estate
- The protected person recovered from the illness which made them incapacitated

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## Resources

- Aging And Disability Services Division – (702) 486-3545
- Clark County Social Services – (702) 455-4270
- Desert Regional Center – (702) 486-6200
- Family Court Self Help – (702) 455-1500
- Legal Aid Center of SNV – (702) 386-1070
- Meals on Wheels – (702) 385-5284
- Metro Abuse and Neglect – (702) 229-3394
- Mojave Mental Health – (702) 968-4000
- Nevada State Welfare/Medicaid – (702) 486-5000
- SNV Senior Law Program (702) 229-6596
- Southern Nevada Adult Mental Health – (702) 486-6000

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## Questions?



For Additional Questions Call (702) 455-4332.

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# Bill of Rights

## RIGHTS PROTECTED BY THE BILL OF RIGHTS

1. No one is to be held in slavery or involuntary servitude, except as a punishment for a crime that he or she has committed.
2. No one is to be deprived of life, liberty, or property without due process of law.
3. No one is to be held in unreasonable, search, or seizure.
4. No one is to be held in unreasonable, search, or seizure.
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