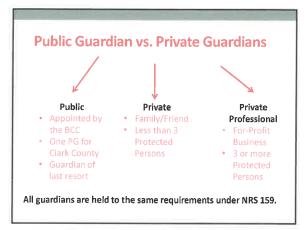
## GUARDIANSHIP TRAINING

1



2

What is Guardianship?

Definitions-Per NRS 159	
- Guardian/Co-Guardian	
Protected Person	
In a considerate of	
· Incapacitated	
• Representative Payee	
· Limited Capacity	-
1	
Alternatives to Guardianship	
Actinuates to Guardianship	
Representative Payee	
<ul> <li>Durable Power of Attorney for Health Care Decisions-Per NRS 449.800</li> </ul>	
Durable Financial Power of Attorney     Living Trust	
Living Hust	-
	( <del></del>
Turner of Consultant date	
Types of Guardianship	
Consul Consultantia - T	-
General Guardianship vs. Temporary Guardianship	
Summary vs. General	
• Person and/or Estate	-
·	

#### **Legal Duties of a Guardian**

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

7

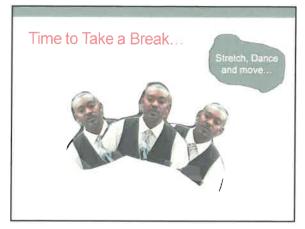
#### **Rights of Protected Person**

- 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

8

#### **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



10

#### **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.

11

#### 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

NGA Standards of Practice	a
<ul> <li>National Guardianship Association</li> <li>https://www.guardianship.org/standards/</li> </ul>	8
- https://www.guardianship.org/standards/	
	-
	0
	E
13	
	1
Court Authorization	<del></del>
<ul> <li>Court permission must be sought prior to taking certain actions as Guardian of Person and/or Estate.</li> </ul>	1
actions as dual dum of religing analysis Estate.	
Statutes change, as guardian you will need to review them	
after each legislative session to ensure ongoing compliance.	
4	
	_
Notification	:
<ul> <li>Notification must also be provided to the Court before or after certain actions are taken.</li> </ul>	5
	3
Notice of intent to move	0
Notice of emergency move	
	s <del></del>

#### **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

16

#### **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

17

### **Clark County Family Court and** Regional Justice Center (RJC) RJC, 200 Lewis Ave., Las Vegas, NV 89101 Online Self-Help Center: www.familylawselfhelpcenter.org Family Court, 601 N. Pecos, Las Vegas, NV 89155 (702) 455-1500

#### 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

19

#### 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

20



# Bill of Rights Set you want to be a set of the property of th