

CHAPTER 160 - VETERANS' GUARDIANSHIP (UNIFORM ACT)

NRS 160.010	Short title.
NRS 160.020	Definitions.
NRS 160.030	Applicability.
NRS 160.040	Limitation on number of wards; exceptions.
NRS 160.050	Appointment of guardian.
NRS 160.060	Evidence of necessity for guardian for minor.
NRS 160.070	Evidence of necessity for guardian for incompetent.
NRS 160.080	Notice.
NRS 160.090	Bond.
NRS 160.100	Accounts.
NRS 160.110	Penalty for failure to account.
NRS 160.120	Compensation of guardian.
NRS 160.130	Investments.
NRS 160.140	Maintenance and support.
NRS 160.150	Copies of public records to be furnished.
NRS 160.160	Commitment to Department of Veterans Affairs or other federal agency.
NRS 160.161	Regulations of Department of Veterans Affairs or other federal agency; powers of officer; jurisdiction of court.
NRS 160.162	Transfer of person from Northern Nevada Adult Mental Health Services to Department of Veterans Affairs or other federal agency.
NRS 160.170	Discharge of guardian.
NRS 160.180	Liberal construction.
NRS 160.190	Uniformity of interpretation.

NRS 160.010 Short title. This chapter may be cited as the Uniform Veterans' Guardianship Act.
[18:28:1929; NCL § 9565]

NRS 160.020 Definitions. As used in this chapter:

1. "Benefits" means all money payable by the United States through the Department of Veterans Affairs.
 2. "Department of Veterans Affairs" means the Department of Veterans Affairs, its predecessors or successors.
 3. "Estate" and "income" include only money received by the guardian from the Department of Veterans Affairs and all earnings, interest and profits derived therefrom.
 4. "Guardian" means any person acting as a fiduciary for a ward.
 5. "Secretary" means the Secretary of Veterans Affairs of the United States or the Secretary's successor.
 6. "Ward" means a beneficiary of the Department of Veterans Affairs.
- [1:28:1929; NCL § 9548]—(NRS A 1985, 508; 1995, 1078)

NRS 160.030 Applicability. Whenever, pursuant to any law of the United States or regulation of the Department of Veterans Affairs, the Secretary requires the appointment of a guardian for a ward before the payment of benefits, the appointment must be made in the manner provided in this chapter.
[2:28:1929; NCL § 9549]—(NRS A 1995, 1078)

NRS 160.040 Limitation on number of wards; exceptions.

1. Except as otherwise provided in this section, it is unlawful for any person to accept appointment as guardian of any ward if the proposed guardian is at that time acting as guardian for five wards. In any case, upon presentation of a petition by an attorney of the Department of Veterans Affairs pursuant to this section alleging that a guardian is acting in a fiduciary capacity for more than five wards and requesting his or her discharge for that reason, the court, upon proof substantiating the petition, shall require a final accounting from the guardian and shall discharge the guardian in the case.
 2. The limitations of this section do not apply where the guardian is a bank or trust company acting for the wards' estates only.
 3. An individual may be guardian of more than five wards if they are all members of the same family.
 4. The limitations of this section do not apply to the Executive Director for Veterans' Services or to a public guardian.
- [3:28:1929; NCL § 9550]—(NRS A 1961, 32; 1977, 488; 1995, 1078; [1999, 2477](#))

NRS 160.050 Appointment of guardian.

1. A petition for the appointment of a guardian may be filed in any court of competent jurisdiction by or on behalf of any person who under existing law is entitled to priority of appointment. If there is no person so entitled or if the person so entitled neglects or refuses to file such a petition within 30 days after the mailing of notice by the Department of Veterans Affairs to the last known address of such person indicating the necessity for the same, a petition for such appointment may be filed in any court of competent jurisdiction by or on behalf of any responsible person residing in this State.

2. The petition for appointment must set forth the name, age and place of residence of the ward, the names and places of residence of the nearest relatives, if known, and the fact that the ward is entitled to receive money payable by or through the Department of Veterans Affairs, and must set forth the amount of money then due and the amount of probable future payments.

3. The petition must also set forth the name and address of the person or institution, if any, having actual custody of the ward.

4. In case of a mentally incompetent ward the petition must show that such ward has been rated incompetent on examination by the Department of Veterans Affairs in accordance with the laws and regulations governing the Department of Veterans Affairs.

[4:28:1929; NCL § 9551]—(NRS A 1995, 1079)

NRS 160.060 Evidence of necessity for guardian for minor. If a petition is filed for the appointment of a guardian of a minor ward, a certificate of the Secretary or a representative of the Secretary, setting forth the age of such minor as shown by the records of the Department of Veterans Affairs and the fact that the appointment of a guardian is a condition precedent to the payment of any money due the minor by the Department of Veterans Affairs, constitutes prima facie evidence of the necessity for such appointment.

[5:28:1929; NCL § 9552]—(NRS A 1995, 1079)

NRS 160.070 Evidence of necessity for guardian for incompetent. If a petition is filed for the appointment of a guardian of a mentally incompetent ward, a certificate of the Secretary or a representative of the Secretary, setting forth the fact that such person has been rated incompetent by the Department of Veterans Affairs on examination in accordance with the laws and regulations governing the Department of Veterans Affairs and that the appointment of a guardian is a condition precedent to the payment of any money due such person by the Department of Veterans Affairs, constitutes prima facie evidence of the necessity for such appointment.

[6:28:1929; NCL § 9553]—(NRS A 1995, 1079)

NRS 160.080 Notice. Upon the filing of a petition for the appointment of a guardian under the provisions of this chapter, the court shall cause such notice to be given as provided by law.

[7:28:1929; NCL § 9554]

NRS 160.090 Bond.

1. Before making an appointment under the provisions of this chapter, the court shall establish to its satisfaction that the person whose appointment as guardian is sought is a fit and proper person to be appointed.

2. Upon the appointment being made, the guardian shall, except as otherwise provided in this section, execute and file a bond to be approved by the court in an amount not less than the value of the personal property of the estate plus the anticipated annual income. Thereafter, the amount of the bond must be equal to the total value of the personal estate plus the annual income. The bond must be in the form and be conditioned as required of guardians appointed pursuant to the provisions of [chapter 159](#) of NRS. The premiums on all such bonds must be paid from the estate.

3. If a banking corporation as defined in [NRS 657.016](#), or a trust company, as defined by [NRS 669.070](#), doing business in this state is appointed guardian of the estate of a ward, no bond is required of the guardian unless the court by specific order requires a bond. If the Executive Director for Veterans' Services is appointed guardian, no bond is required.

4. If the court orders that the estate and income, or a part thereof, be deposited in a banking corporation, as defined in [NRS 657.016](#), or trust company, as defined by [NRS 669.070](#), doing business in this state and that such estate and income, or any part thereof, must not be withdrawn without authorization of the court, then the amount of the guardian's bond must be reduced in an amount equal to the amount of the estate and income on deposit with the banking corporation, and the surety on the bonds must be exonerated from any loss to the estate in connection with the deposit.

5. Where a bond is tendered by a guardian with personal sureties, the sureties shall file with the court a certificate under oath which describes the property owned, both real and personal, and contains a statement that they are each worth the sum named in the bond as the penalty thereof over and above all their debts and liabilities and exclusive of property exempt from execution.

[8:28:1929; NCL § 9555]—(NRS A 1959, 65; 1969, 1190; 1971, 1010; 1977, 640; [1999, 2478](#))

NRS 160.100 Accounts.

1. Every guardian who receives on account of a ward of the guardian any money from the Department of Veterans Affairs shall file with the court annually, on the anniversary date of the appointment, in addition to such other accounts as may be required by the court, a full, true and accurate account under oath of all money so received by the guardian and of

all disbursements thereof, and showing the balance thereof in the hands of the guardian at the date of such account and how invested.

2. A certified copy of each of such accounts filed with the court must be sent by the guardian to the office of the Department of Veterans Affairs having jurisdiction over the area in which the court is located. The court shall fix a time and place for the hearing on such account not less than 15 days or more than 30 days after the date of filing the account, and notice thereof must be given by the court to the concerned office of the Department of Veterans Affairs not less than 15 days before the date fixed for the hearing.

3. Notice of such hearing must in like manner be given to the guardian.

[9:28:1929; NCL § 9556]—(NRS A 1995, 1080)

NRS 160.110 Penalty for failure to account. If any guardian fails to file any account of the money received by the guardian from the Department of Veterans Affairs on account of a ward of the guardian within 30 days after such account is required by either the court or the Department of Veterans Affairs, or fails to furnish the Department of Veterans Affairs with a copy of the accounts of the guardian as required by this chapter, such failure constitutes grounds for removal.

[10:28:1929; NCL § 9557]—(NRS A 1995, 1080)

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

[11:28:1929; NCL § 9558]—(NRS A 1995, 1080)

NRS 160.130 Investments. Every guardian shall invest the funds of the estate in such manner or in such securities, in which the guardian has no interest, as allowed by law or approved by the court.

[12:28:1929; NCL § 9559]

NRS 160.140 Maintenance and support. A guardian shall not apply any portion of the estate of a ward of the guardian for the support and maintenance of any person other than the ward, except upon order of the court after a hearing, notice of which has been given to the proper office of the Department of Veterans Affairs in the manner provided in [NRS 160.100](#).

[13:28:1929; NCL § 9560]—(NRS A 1995, 1080)

NRS 160.150 Copies of public records to be furnished. When a copy of any public record is required by the Department of Veterans Affairs to be used in determining the eligibility of any person to participate in benefits made available by the Department of Veterans Affairs, the official charged with the custody of such public record shall without charge provide the applicant for such benefits or any person acting on behalf of the applicant or the representative of the Department of Veterans Affairs with a certified copy of such record.

[14:28:1929; NCL § 9561]—(NRS A 1995, 1081)

NRS 160.160 Commitment to Department of Veterans Affairs or other federal agency.

1. In any proceeding under the laws of this State for involuntary court-ordered admission of a person alleged to be mentally ill or otherwise in need of confinement in a hospital or other institution for his or her care, the court may order the admission of that person to the Department of Veterans Affairs or another agency of the Federal Government, whenever:

(a) It is determined, after such adjudication of the status of that person as may be required by [chapter 433A](#) of NRS, that involuntary court-ordered admission to a hospital for mental disease or another institution is necessary for safekeeping or treatment; and

(b) It appears that the person is eligible for care or treatment by the Department of Veterans Affairs or any other agency that has facilities available and that the person is eligible for care or treatment therein.

2. The person whose involuntary court-ordered admission is sought must be personally served with notice of the pending proceeding in the manner provided by [chapter 433A](#) of NRS. This chapter does not affect that person's right to appear and be heard in the proceedings.

[15:28:1929; NCL § 9562]—(NRS A 1957, 660; 1975, 1632; 1985, 2274; 1995, 1081)

NRS 160.161 Regulations of Department of Veterans Affairs or other federal agency; powers of officer; jurisdiction of court.

1. Upon commitment, a person is subject to the rules and regulations of the Department of Veterans Affairs or other agency when admitted to any facility operated by any such agency within or without this state.

2. The chief officer of any facility of the Department of Veterans Affairs or institution operated by any other agency of the United States to which the person is so committed is, with respect to that person, vested with the same powers as the

Director and the Medical Director of Northern Nevada Adult Mental Health Services with respect to retention of custody, transfer, parole or discharge.

3. The committing court shall retain jurisdiction:

(a) To inquire, at any time, into the mental condition of persons so committed.

(b) To determine the necessity for the continuance of the person's restraint.

(Added to NRS by 1957, 660; A 1973, 92, 1218; 1995, 1081; [2001, 1116](#))

NRS 160.162 Transfer of person from Northern Nevada Adult Mental Health Services to Department of Veterans Affairs or other federal agency.

1. Upon receipt of a certificate of the Department of Veterans Affairs or another agency of the United States that facilities are available for the care or treatment of any person previously committed to the custody of Northern Nevada Adult Mental Health Services and that the person is eligible for care or treatment, the Director of Northern Nevada Adult Mental Health Services may cause the transfer of the person to the Department of Veterans Affairs or other agency of the United States for care or treatment.

2. The committing court must be notified by the Director of Northern Nevada Adult Mental Health Services upon effecting such a transfer.

3. No person may be transferred to the Department of Veterans Affairs or such other agency of the United States if the person is confined pursuant to a conviction of a felony or misdemeanor or if the person has been acquitted of the charge solely on the ground of insanity, unless before the transfer the court originally committing the person enters an order for the transfer after appropriate motion and hearing.

4. Any person transferred as provided in this section shall be deemed to be committed to the Department of Veterans Affairs or other agency of the United States pursuant to the original commitment.

(Added to NRS by 1957, 661; A 1973, 92, 1219; 1995, 1081; [2001, 1116](#))

NRS 160.170 Discharge of guardian. When a minor ward for whom a guardian has been appointed under the provisions of this chapter or other laws of this state attains his or her majority, and if incompetent is declared competent by the Department of Veterans Affairs and the court, and when any incompetent ward, not a minor, is declared competent by the Department of Veterans Affairs and the court, the guardian must, upon making a satisfactory accounting, be discharged upon a petition filed for that purpose.

[16:28:1929; NCL § 9563]—(NRS A 1995, 1082)

NRS 160.180 Liberal construction. This chapter must be construed liberally to secure the beneficial intents and purposes thereof and applies only to beneficiaries of the Department of Veterans Affairs.

[17:28:1929; NCL § 9564]—(NRS A 1995, 1082)

NRS 160.190 Uniformity of interpretation. This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

[19:28:1929; NCL § 9566]