

Amendment No. 206

Assembly Amendment to Assembly Bill No. 460

(BDR 13-1060)

Proposed by: Assembly Committee on Judiciary

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will:
(1) REMOVE the 2/3s majority vote requirement from A.B. 460.
(2) REMOVE all appropriations from A.B. 460.

| ASSEMBLY ACTION | | | | Initial and Date | SENATE ACTION | | | | Initial and Date |
|-----------------|--------------------------|------|--------------------------|------------------|---------------|--------------------------|------|--------------------------|------------------|
| Adopted | <input type="checkbox"/> | Lost | <input type="checkbox"/> | _____ | Adopted | <input type="checkbox"/> | Lost | <input type="checkbox"/> | _____ |
| Concurred In | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ | Concurred In | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ |
| Receded | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ | Receded | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ |

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

DAN/EWR



Date: 4/17/2025

A.B. No. 460—Revises provisions relating to child welfare. (BDR 13-1060)



ASSEMBLY BILL NO. 460—ASSEMBLYMEMBER GONZÁLEZ

MARCH 17, 2025

JOINT SPONSOR: SENATOR DOÑATE

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to child welfare. (BDR 13-1060)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Contains Appropriation not included in
Executive Budget.

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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 child welfare; establishing a form by which a parent or guardian may request to nominate a guardian of a minor; authorizing the filing of such a form in the Nevada Lockbox; removing the authority of the Secretary of State to charge and collect a fee for filing a form in the Nevada Lockbox; creating a presumption that temporary guardianship is in the best interest of a minor in certain circumstances; ~~authorizing certain additional persons to receive supportive assistance through the program to provide such assistance to certain relatives who provide care for and obtain legal guardianship of a child; making an appropriation to a program to support pupils affected by trauma;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes any person requesting to nominate another person to be appointed as his or her guardian to complete a form requesting to nominate a guardian. (NRS 159.0753) Existing law also authorizes the Secretary of State to establish and maintain the Nevada Lockbox, which is an electronic registry where a person may register a form requesting to nominate a guardian, among other documents. (NRS 225.360) **Section 1** of this bill authorizes a parent or guardian of a minor who wishes to request to nominate another person to be appointed as the guardian for the minor to complete a form requesting to nominate a guardian of the minor. **Section 1** clarifies that a person nominated to be a guardian of a minor is required to obtain appointment from a court before exercising the power of a guardian. **Section 3** of this bill requires a court to consider a form requesting to nominate a guardian of a minor in determining which person is most suitable to be the guardian for the minor. **Section 4** of this bill includes a form requesting to nominate a guardian of a minor in the list of documents that may be submitted for inclusion in the Nevada Lockbox. Sections 4.5 and 5.5 of this bill remove the authority of the Secretary of State to charge and collect a fee for the registration of a will or other document in the Nevada Lockbox. **Section 5** of this bill authorizes the Secretary of State to provide access to the lockbox when required by a court,

hospital, law enforcement agency or other entity that needs to determine whether a person has designated a guardian for a minor. **Section 7** of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

Existing law establishes a procedure by which a petitioner may request the appointment of a temporary guardian for the person or estate, or both, of a proposed protected minor in circumstances where it is not feasible or would be harmful to notify the persons and entities who are normally entitled to notice of a guardianship hearing. Existing law presumes that temporary guardianship is in the best interest of the minor if no parent has had the care, custody and control of the minor for the immediately preceding 6 months. (NRS 159A.053) **Section 2** of this bill creates an additional presumption that a temporary guardianship is in the best interest of the proposed protected minor if no parent has the care, custody and control of the minor due to one or both parents being separated from the minor due to a federal immigration order.

~~[Existing law requires the Department of Health and Human Services to establish and administer a program to provide supportive assistance to qualifying relatives of children who provide care for and obtain the legal guardianship of those children, if the relative meets certain requirements, including, having attained a minimum age set by the Department. (NRS 422A.650) Section 6 of this bill authorizes a relative who has not attained that minimum age to receive supportive assistance through the program if the person is the legal guardian of a child who has been separated from one or both parents due to a federal immigration order.~~

~~Section 8 of this bill makes an appropriation to the Department of Education for the Nevada Trauma Recovery Grant Project for supporting pupils affected by trauma through the delivery of clinical trauma-specific interventions.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 159A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any parent or guardian of a minor who wishes to request to nominate another person to be appointed as the guardian for the minor may do so by completing a form requesting to nominate a guardian of a minor in accordance with this section.

2. A form requesting to nominate a guardian of a minor pursuant to this section must be:

(a) Signed by the parent or guardian who is executing the form;

(b) Signed by two impartial adult witnesses who have no interest, financial or otherwise, in the estate of the minor or the parent or guardian of the minor and who attest that the parent or guardian has the mental capacity to understand and execute the form; and

(c) Notarized.

3. A nomination of a guardian of a minor made pursuant to this section may be in substantially the following form, and must be witnessed and executed in the same manner as the following form:

REQUEST TO NOMINATE GUARDIAN OF A MINOR

I, (insert your name), residing at (insert your address), am executing this notarized document as my written declaration and request for the person(s) designated below to be appointed as guardian for my child should it become necessary. I am advising the court and all persons and entities as follows:

State of Nevada)
)
County of)

1 *On this day of, in the year, before me,*
2 *..... (insert name of notary public), personally appeared*
3 *..... (insert name of principal), (insert name of first*
4 *witness) and (insert name of second witness), personally*
5 *known to me (or proved to me on the basis of satisfactory evidence) to be*
6 *the persons whose names are subscribed to this instrument, and*
7 *acknowledged that they have signed this instrument.*

8
9
10 *(Signature of notarial officer)*
11 *(Seal, if any)*
12

13 ***4. The Secretary of State shall make the form established in subsection 3***
14 ***available on the Internet website of the Secretary of State.***

15 ***5. The person nominated for appointment as the guardian of a minor***
16 ***pursuant to this section must file a petition and obtain an appointment from the***
17 ***court before exercising the powers of a guardian.***

18 ***6. The Secretary of State may adopt any regulations necessary to carry out***
19 ***the provisions of this section.***

20 **Sec. 2.** NRS 159A.053 is hereby amended to read as follows:

21 159A.053 1. A petitioner may request that the court appoint a temporary
22 guardian for the person or the estate, or both, of a proposed protected minor by
23 filing a verified petition.

24 2. The petition must state facts which establish good cause for the
25 appointment of a temporary guardian and which show that:

26 (a) The petitioner has tried in good faith to notify the persons entitled to notice
27 pursuant to NRS 159A.047 by telephone or in writing before the filing of the
28 petition;

29 (b) The proposed protected minor would be exposed to an immediate risk of
30 physical, emotional or financial harm if the petitioner were to provide notice to the
31 persons entitled to notice pursuant to NRS 159A.047 before the court determines
32 whether to appoint a temporary guardian; or

33 (c) Giving notice to the persons entitled to notice pursuant to NRS 159A.047 is
34 not feasible under the circumstances.

35 3. A petition which seeks an ex parte appointment of a temporary guardian
36 must be accompanied by an affidavit which explains the emergency that requires a
37 temporary guardian to be appointed before a hearing.

38 4. If no parent of the proposed protected minor has had the care, custody and
39 control of the minor for the 6 months immediately preceding the petition ~~or~~ ***or one***
40 ***or both parents have been separated from the minor due to a federal immigration***
41 ***order leading to no parent having the care, custody and control of the minor,***
42 temporary guardianship of the person of the minor is presumed to be in the best
43 interest of the minor.

44 5. The court may, upon that petition or other showing as it may require,
45 appoint a temporary guardian of the person or the estate, or both, of the proposed
46 protected minor.

47 6. Except as otherwise provided in subsection 7, after the appointment of a
48 temporary guardian, the petitioner shall attempt in good faith to notify the persons
49 entitled to notice pursuant to NRS 159A.047, including, without limitation, notice
50 of any hearing to extend the temporary guardianship. If the petitioner fails to make
51 such an effort, the court may terminate the temporary guardianship.

52 7. If, before the appointment of a temporary guardian, the court was satisfied
53 that giving notice to the persons entitled to notice pursuant to NRS 159A.047 was

1 not feasible under the circumstances or determined that such notice was not
2 required pursuant to paragraph (b) or (c) of subsection 2, the petitioner shall notify
3 the persons entitled to notice pursuant to NRS 159A.047 without undue delay, but
4 not later than 48 hours after the appointment of the temporary guardian or not later
5 than 48 hours after the petitioner discovers the existence, identity and location of
6 the persons entitled to notice pursuant to that section. If the petitioner fails to
7 provide such notice, the court may terminate the temporary guardianship.

8 8. Not later than 10 days after the date of an ex parte appointment of a
9 temporary guardian pursuant to subsection 5, the court shall hold a hearing to
10 determine the need to extend the temporary guardianship. Except as otherwise
11 provided in subsection 9, if the court finds by clear and convincing evidence that
12 the protected minor continues to be in need of a temporary guardian, the court may,
13 pursuant to subsection 10, extend the temporary guardianship until a general
14 guardian is appointed.

15 9. The court may not extend a temporary guardianship pursuant to subsection
16 8 beyond the initial period of 10 days unless the petitioner demonstrates that:

17 (a) The provisions of NRS 159A.0475 have been satisfied; or

18 (b) Notice by publication pursuant to the Nevada Rules of Civil Procedure is
19 currently being undertaken.

20 10. The court may extend the temporary guardianship, for good cause shown,
21 for not more than two successive 60-day periods, unless extraordinary
22 circumstances necessitate a longer duration for the temporary guardianship.

23 11. If for any reason a guardian who is appointed for a protected minor cannot
24 perform the duties of a guardian, the court may, upon a petition filed to request
25 temporary guardianship for the minor, appoint a temporary guardian to exercise the
26 powers of a guardian until another guardian is appointed for the minor.

27 **Sec. 3.** NRS 159A.061 is hereby amended to read as follows:

28 159A.061 1. The parents of a proposed protected minor, or either parent, if
29 qualified and suitable, are preferred over all others for appointment as guardian for
30 the person or estate or person and estate of the proposed protected minor. The
31 appointment of a parent as guardian for the person or estate of a proposed protected
32 minor must not conflict with a valid order for custody of the proposed protected
33 minor.

34 2. Except as otherwise provided in subsection 4, if a parent of a proposed
35 protected minor files a petition seeking appointment as guardian for the proposed
36 protected minor, the parent is presumed to be suitable to serve as guardian for the
37 proposed protected minor.

38 3. In determining whether the parents of a proposed protected minor, or either
39 parent, or any other person who seeks appointment as guardian for the proposed
40 protected minor is qualified and suitable, the court shall consider, if applicable and
41 without limitation:

42 (a) Which parent has physical custody of the proposed protected minor;

43 (b) The ability of the parents, parent or other person to provide for the basic
44 needs of the proposed protected minor, including, without limitation, food, shelter,
45 clothing and medical care, taking into consideration any special needs of the
46 proposed protected minor;

47 (c) Whether the parents, parent or other person has engaged in the habitual use
48 of alcohol or any controlled substance during the previous 6 months, except the use
49 of cannabis in accordance with the provisions of chapter 678C of NRS;

50 (d) Whether the parents, parent or other person has been convicted of a crime
51 of moral turpitude, a crime involving domestic violence or a crime involving the
52 abuse, neglect, exploitation, isolation or abandonment of a child, his or her spouse,
53 his or her parent or any other adult;

1 (e) Whether the parents, parent or other person has been convicted in this State
2 or any other jurisdiction of a felony; and

3 (f) Whether the parents, parent or other person has engaged in one or more acts
4 of domestic violence against the proposed protected minor, a parent of the proposed
5 protected minor or any other person who resides with the proposed protected minor.

6 4. A parent of a proposed protected minor is presumed to be unsuitable to
7 care for the proposed protected minor if:

8 (a) The parent is unable to provide for any or all of the basic needs of the
9 proposed protected minor, including, without limitation:

- 10 (1) Food;
11 (2) Shelter;
12 (3) Clothing;
13 (4) Medical care; and
14 (5) Education;

15 (b) Because of action or inaction, the parent poses a significant safety risk of
16 either physical or emotional danger to the proposed protected minor; or

17 (c) The proposed protected minor has not been in the care, custody and control
18 of the parent for the 6 months immediately preceding the filing of the petition. The
19 presumption created by this paragraph is a rebuttable presumption.

20 5. Subject to the preference set forth in subsection 1 and except as otherwise
21 provided in subsection 7, the court shall appoint as guardian the qualified person
22 who is most suitable and is willing to serve.

23 6. In determining which qualified person is most suitable, the court shall, in
24 addition to considering any applicable factors set forth in subsections 2, 3 and 4,
25 give consideration, among other factors, to:

26 (a) Any nomination of a guardian for the proposed protected minor contained
27 in a will, *a form requesting to nominate a guardian of a minor that is executed in*
28 *accordance with section 1 of this act* or other written instrument executed by a
29 parent of the proposed protected minor.

30 (b) Any request made by the proposed protected minor, if he or she is 14 years
31 of age or older, for the appointment of a person as guardian for the proposed
32 protected minor.

33 (c) The relationship by blood or adoption of the proposed guardian to the
34 proposed protected minor. In considering preferences of appointment, the court
35 may consider relatives of the half blood equally with those of the whole blood. The
36 court may consider relatives in the following order of preference:

- 37 (1) Parent.
38 (2) Adult sibling.
39 (3) Grandparent.
40 (4) Uncle or aunt.

41 (d) Any recommendation made by a master of the court or special master
42 pursuant to NRS 159A.0615.

43 (e) Any recommendation made by:

44 (1) An agency which provides child welfare services, an agency which
45 provides child protective services or a similar agency; or

46 (2) A guardian ad litem or court appointed special advocate who represents
47 the proposed protected minor.

48 (f) Any request for the appointment of any other interested person that the
49 court deems appropriate.

50 7. The court may award temporary guardianship pursuant to this section,
51 supported by findings of suitability, pending a trial or evidentiary hearing if that
52 appointment is supported by findings.

8. Notwithstanding the presumption set forth in subsection 4, in the event of competing petitions for the appointment of guardianship of a proposed protected minor, any finding of unsuitability of a parent of the proposed protected minor must be found by clear and convincing evidence after a hearing on the merits or an evidentiary hearing.

9. In determining whether to appoint a guardian of the person or estate of a proposed protected minor and who should be appointed, the court must always act in the best interests of the proposed protected minor.

10. A court shall not refuse to appoint a person as a guardian of the person or estate of a proposed protected minor solely because the person:

(a) Is deaf, is blind or has another physical disability; or

(b) Is the holder of a valid registry identification card.

11. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Blind" has the meaning ascribed to it in NRS 426.082.

(c) "Holder of a valid registry identification card" means a person who holds a valid registry identification card as defined in NRS 678C.080 that identifies the person as:

(1) Exempt from state prosecution for engaging in the medical use of cannabis; or

(2) A designated primary caregiver as defined in NRS 678C.040.

Sec. 4. NRS 225.330 is hereby amended to read as follows:

225.330 "Other document" means a document registered with the Secretary of State pursuant to NRS 225.370 and may include, without limitation, a passport, a birth certificate, a marriage license, a form requesting to nominate a guardian that is executed in accordance with NRS 159.0753, *a form requesting to nominate a guardian of a minor that is executed in accordance with section 1 of this act* or a power of attorney for health care that is properly executed pursuant to NRS 162A.790.

Sec. 4.5. NRS 225.370 is hereby amended to read as follows:

225.370 If the Nevada Lockbox is established pursuant to NRS 225.360:

1. A person who wishes to establish a lockbox and thereby register a will or other document in the Nevada Lockbox must submit to the Secretary of State:

(a) An application in the form prescribed by the Secretary of State; and

(b) A copy of the will or other document to be registered. ~~[- and~~

~~(c) The fee, if any, established by the Secretary of State pursuant to subsection 1 of NRS 225.410.]~~

2. If the person satisfies the requirements of subsection 1, the Secretary of State shall:

(a) Make an electronic reproduction of the will or other document and post it within the registrant's lockbox;

(b) Assign to the registrant a registration number and access code for the lockbox; and

(c) Provide to the registrant a registration card that includes, without limitation:

(1) The name of the registrant;

(2) The registration number assigned to the registrant pursuant to paragraph (b); and

(3) The access code assigned to the registrant pursuant to paragraph (b).

3. The Secretary of State shall establish procedures for, without limitation:

(a) The registration of a will or other document which replaces a will or other document that has been registered previously and posted within the Nevada Lockbox;

(b) The removal from the Nevada Lockbox of a will or other document that has been revoked at the request of the registrant; and

(c) The issuance of a duplicate registration card or the provision of other access by a registrant to his or her registration number and access code if a registration card issued pursuant to this section is lost, stolen, mutilated, destroyed or otherwise unavailable.

Sec. 5. NRS 225.380 is hereby amended to read as follows:

225.380 If the Nevada Lockbox is established pursuant to NRS 225.360:

1. Except as otherwise provided in this section, the Secretary of State shall not provide access to the lockbox of a registrant unless:

(a) The person requesting access provides the registration number and access code of the registrant;

(b) The Secretary of State determines that providing access to the lockbox is in the best interest of the registrant;

(c) Access to the lockbox is required pursuant to the lawful order of a court of competent jurisdiction;

(d) Access to the lockbox is requested by the registrant or his or her personal representative; or

(e) Access to the lockbox is requested by a court, hospital, law enforcement agency or other entity that needs to determine whether a person has designated a guardian ~~for himself or herself or a minor~~. Except as otherwise provided in subsection 2, the Secretary of State shall ensure that a person who needs access to the lockbox pursuant to this paragraph does not have access to any document contained in the lockbox other than a form requesting to nominate a guardian that is executed in accordance with NRS 159.0753 ~~or a form requesting to nominate a guardian of a minor that is executed in accordance with section 1 of this act.~~

2. A court that requests access to the lockbox pursuant to paragraph (e) of subsection 1 may access any other document contained in the lockbox as is necessary to determine whether a person has made more than one designation of a guardian.

3. A registrant or his or her personal representative may access the lockbox of the registrant for any purpose.

Sec. 5.5. **NRS 225.410 is hereby amended to read as follows:**

225.410 ~~1. If the Nevada Lockbox is established pursuant to NRS 225.360, the Secretary of State may charge and collect fees for the registration of a will or other document pursuant to NRS 225.370.~~

~~2.~~ The Secretary of State may accept gifts, grants, bequests and other contributions from any source for the purpose of carrying out the provisions of NRS 225.300 to 225.440, inclusive. A person who gives a gift, grant, bequest or other contribution may designate a specific purpose for the gift, grant, bequest or other contribution to carry out the provisions of NRS 225.300 to 225.440, inclusive.

Sec. 6. ~~NRS 422A.650 is hereby amended to read as follows:~~

~~422A.650 1. The Department, through a division of the Department designated by the Director, shall establish and administer a program to provide supportive assistance to qualifying relatives of children who provide care for and obtain the legal guardianship of those children.~~

~~2. As a condition to the provision of any supportive assistance pursuant to this section:~~

~~(a) The child must:~~

~~(1) Have been placed in the care of a qualifying relative for not less than 6 months; and~~

~~(2) If the child is 14 years of age or older, consent to the legal guardianship; and~~

~~(b) The qualifying relative must:~~
~~(1) Reside in this State;~~
~~(2) Have attained such a minimum age as the Department specifies by regulation [;] or be the legal guardian of a child who has been separated from one or both parents due to a federal immigration order;~~
~~(3) Verify his or her relationship to the child; and~~
~~(4) File for and obtain court approval of the legal guardianship and comply with any requirements imposed by the court.~~
~~2. The supportive assistance provided pursuant to this section must include, within the limitations of available funding:~~
~~(a) Reimbursement of all or a portion of the legal fees incurred by the qualifying relative to establish the legal guardianship;~~
~~(b) Payments of not more than the amount that the Department would provide to a foster parent if the child had been placed in foster care;~~
~~(c) Assistance with:~~
~~(1) Child care;~~
~~(2) Respite care; and~~
~~(3) Transportation; and~~
~~(d) Any other assistance the Department deems appropriate.~~
~~4. The Department shall adopt such regulations as are necessary to carry out the provisions of this section.~~
~~5. As used in this section, unless the context otherwise requires, "qualifying relative" means a person specified in 45 C.F.R. § 233.90(e)(1)(v)(A).] (Deleted by amendment.)~~

Sec. 7. NRS 432B.4665 is hereby amended to read as follows:

432B.4665 1. The court may, upon the filing of a petition pursuant to NRS 432B.466, appoint a person as a guardian for a child if:

(a) The court finds:

(1) That the proposed guardian is suitable and is not disqualified from guardianship pursuant to NRS 159A.061;

(2) That the child has been in the custody of the proposed guardian for 6 months or more pursuant to a determination by a court that the child was in need of protection, unless the court waives this requirement for good cause shown;

(3) That the proposed guardian has complied with the requirements of chapter 159A of NRS; and

(4) That the burden of proof set forth in chapter 159A of NRS for the appointment of a guardian for a child has been satisfied;

(b) The child consents to the guardianship, if the child is 14 years of age or older; and

(c) The court determines that the requirements for filing a petition pursuant to NRS 432B.466 have been satisfied.

2. A guardianship established pursuant to this section:

(a) Provides the guardian with the powers and duties provided in NRS 159A.079, and subjects the guardian to the limitations set forth in NRS 159A.0805;

(b) Is subject to the provisions of NRS 159A.065 to 159A.076, inclusive, *and section 1 of this act* and 159A.185 to 159A.199, inclusive;

(c) Provides the guardian with sole legal and physical custody of the child;

(d) Does not result in the termination of parental rights of a parent of the child; and

(e) Does not affect any rights of the child to inheritance, a succession or any services or benefits provided by the Federal Government, this state or an agency or political subdivision of this state.

Sec. 8. ~~1. There is hereby appropriated from the State General Fund to the Department of Education for the Nevada Trauma Recovery Grant Project for supporting pupils affected by trauma through the delivery of clinical trauma-specific interventions the following sums:~~

~~For the Fiscal Year 2025-2026.....\$1,000,000~~

~~For the Fiscal Year 2026-2027.....\$1,000,000~~

~~2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.] (Deleted by amendment.)~~

Sec. 9. 1. This section becomes effective upon passage and approval.

2. Section 8 of this act becomes effective on July 1, 2025.

3. Sections 2 and 6 of this act become effective on October 1, 2025.

4. Sections 1, 3, ~~4, 5~~ to 5.5, inclusive, and 7 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.