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MANAGING SOMEONE ELSE'S MONEY IN NEVADA

Help for Court-Appointed
Guardians of the Estate



SUPREME COURT OF NEVADA
GUARDIANSHIP COMPLIANCE OFFICE

ABOUT THIS GUIDE

The Nevada State Guardianship Compliance Office, in collaboration with the Legal Aid Center of Southern Nevada and the Guardianship Compliance Office at the 8th Judicial District Court in Nevada, prepared this guide to provide information about Nevada state law and additional resources and information to people who appointed as guardian of the estate for another person. This guide was adapted from the Consumer Financial Protection Bureau’s (the “CFPB’s”) *Managing Someone Else’s Money guides*. The CFPB has not reviewed or approved the content in this guide, and the CFPB does not necessarily endorse the final product. These guides are not intended to provide legal advice or serve as a substitute for your own legal counsel. If you have questions or concerns, consider seeking the guidance of an appropriate legal professional.

WHAT'S INSIDE?

About this guide.....2

Why read this guide?4

Four basic duties of a fiduciary8

More things you should know19

Watch out for financial exploitation21

Be on guard for consumer scams23

Where to go for help26

WHY READ THIS GUIDE?

Like many people, you may never have been a guardian of someone else's property before. That's why we created *Managing Someone Else's Money in Nevada: Help for Court Appointed Guardians of the Estate*. This guide will help you understand what you can and cannot do in your role as a *guardian of the estate*. In that role, you are a *fiduciary*. For this guide, a fiduciary is anyone named to manage money or property for someone else. In this guide, you'll find brief tips to help you avoid problems and resources for finding more information.

This guide is for family and friends serving as a guardian of the estate of a loved one and not for professionals or organizations. If you have questions about how Nevada law and the information in this booklet applies to your situation as a guardian of the estate, you can talk to a lawyer or consult the legal self-help web pages listed below.

This guide is not designed to provide you information on how to become a guardian of estate. If you want to learn about how to become a guardian of the estate you can get more information from the legal self-help center web pages listed below. Additionally, the Legal Aid Center of Southern Nevada and UNLV Boyd School of Law offer classes on how to become a guardian. See <https://www.lacsn.org/what-we-do/free-classes/guardianship>.

Legal Aid of Southern Nevada, Las Vegas

<https://www.familylawselfhelpcenter.org/>

2nd Judicial District Court, Reno

<https://www.washoecourts.com/LawLibrary/SelfHelp>

Nevada Supreme Court

<http://selfhelp.nvcourts.gov>

WHY & HOW YOU HAVE BECOME A GUARDIAN OF THE ESTATE



Your family member or friend may not be able to make decision on his own about his money and property. For this guide, let's call him Martin. After a court hearing, the judge issues a guardianship order naming you guardian of the estate for Martin. You now have the duty and power to make decisions on Martin's behalf about some or all of his money and property. The court has given you a lot of responsibility as Martin's guardian of estate. Under the law, you are now a *fiduciary* with *fiduciary duties*.



Different types of fiduciaries exist

In your role as guardian of the estate, you may act as or deal with other types of fiduciaries. These may include:

Trustees under a trust:

A person names a trustee to manage and protect money, property and other assets that are put into a trust.

Representative Payee:

A government agency names this person to manage government money that is paid to someone, like Social Security.

VA Fiduciary:

The VA names this person or agency to manage the VA benefits the protected person receives.

Agents under a Power of Attorney:

Someone names an agent to manage their money and property in case they are not able to do it.



WHAT IS A FIDUCIARY

Since you have been named to manage money or property for someone else, you are a *fiduciary*. The law requires you to manage Martin's money and property for HIS benefit, not yours. It does not matter if you are managing a lot of money or a little. It does not matter if you are a family member or not.

The role of a fiduciary carries with it legal responsibilities. When you act as a fiduciary for Martin, you have four basic duties that you must keep in mind. These duties are to:

1. Act only in Martin's best interest.
2. Manage Martin's money and property carefully.
3. Keep Martin's money and property separate from yours.
4. Keep good records.

As a fiduciary, you must be trustworthy, honest, and act in good faith. If you do not meet these standards, you could be removed as a guardian of the estate, sued, or have to repay money. It is even possible that the police or sheriff could investigate you and you could go to jail. *That's why it's always important to remember: It's not your money!*

GUARDIAN OF THE ESTATE QUESTIONS AND ANSWERS

What is a guardian of the estate?

A *guardian of the estate* is someone the court names to manage money and property for a person whom the court has found cannot manage their money and property alone.

Sometimes a guardian of the estate is also appointed as *guardian of the person*. A guardian of the person makes Martin's health care and other personal decisions. Sometimes a different person is appointed to be the guardian of the person, or Martin himself may still be able to make these personal decisions.

This guide only covers duties of the guardian of the estate. *Terms can differ*. Some other states a guardian of property may be called a

Important Dates to Remember



Inventory Due:
60 days after appointment of guardian of estate.

Initial Budget Due:
60 days after the appointment of the guardian of estate.

Annual Accounting:
No later than 60 days after the anniversary of the appointment of guardian.

Don't expect others to know what a guardian of the estate is or does.

People may not understand that you have been appointed by the court. They may think you have more authority or less authority than you really have. You may need to educate them. You could show them this guide and share a copy of the court order appointing you as guardian of the estate.

conservator or guardian of property. Martin's money and property is called his *estate*. A person under guardianship is referred to as a *protected person* in Nevada, but may be referred to as a ward or incapacitated person in other states.

What are your responsibilities as a guardian of the estate?

As *guardian of the estate*, you have a double duty—both to Martin, the person you are serving, and to the court.

Duty to Martin

You must always keep Martin's best interests in mind. In managing his money, you must act for his good and not for your own good. You should involve Martin in decisions as much as possible.

Duty to the Court

You are an agent of the court. The court has trusted you. You may be required to submit a budget to the court. The budget will serve as your financial plan for Martin through the year. You will be required to file an accounting of Martin's estate at least every year with the court. The court will hold a hearing to review the accounting and you will need to be ready to answer any questions.

When do your responsibilities end?

Your responsibilities as Martin's guardian of property last until the court relieves you of your duties. The court may do this because someone else has been appointed, Martin has died, or Martin no longer needs a guardian.

Martin's Rights

Martin retains many rights while under guardianship. Those rights include the right to:

- A court appointed attorney who will advocate for his wishes;
- Right to participate in managing his assets and personal property;
- Have guardian services provided at a reasonable rate of compensation.
- Have the court review any requests for payment to a guardian;
- Receive prudent financial management of his property;
- Receive regular and detailed reports of financial accounting, including investments and trusts and any fees or expenditures charged to his estate;
- Receive and control his salary, maintain a bank account and manage his personal money;

At any time, Martin may ask the court to:

- Review the management activity of a guardian;
- Review the need for guardianship or modify or terminate a guardianship
- Replace the guardian;
- Enter an order restoring his capacity.

For a full list of Martin's rights visit: https://nvcourts.gov/AOC/Programs_and_Services/Guardianship_Compliance/Overview/

FOUR BASIC DUTIES OF A FIDUCIARY

Duty 1 | Act only in Martin's best interest

Because you are dealing with Martin's money and property, your duty is to make decisions that are best for him. This means you must ignore your own interests and needs, or the interests and needs of other people.

To help act in Martin's best interest, follow these guidelines:

- **Read the guardianship court order.** Your powers and duties as Martin's guardian of the estate are written in state law. They also may be written in the court order that appointed you. Some court orders may be detailed, while others may be very general. Read the court order closely. Follow any training or instruction provided to you by the court. Talk to a lawyer if you don't understand the order or your responsibilities. Ask questions and learn all you can about what you should do—and what you should not do. In Nevada, guardians of the estate are required to review, sign and file with the court the "Guardian's Acknowledgement of Duties and Responsibilities of a Guardian of the Estate." This form provides you with a list of things you can and cannot do as guardian. Keep a copy of this form with this guide to refer to when you might have a question.

- **Do what the court order says—and don't do what it says you should not do.** It is important that you not act beyond what the law and the court order allow, and that you carry out the basic tasks necessary. Your powers may be limited to certain actions or certain amounts of money. You may need to get the court to approve other actions. Even if you have the best intentions, follow the court order.

- **As much as possible, involve Martin in decisions.** Martin may be under guardianship, but he still has the right to contribute to decision making as much as possible. You might feel pressure from others to use Martin's assets for various purposes. Consider these steps when deciding these sorts of questions:

Avoid conflicts of interest

Sometimes people have good intentions, but do things they shouldn't. Because you are now a fiduciary, you should avoid any conflicts of interest. Here are a few examples of possible conflicts of interest.

Whose car is it?

You used Martin's money to buy a car and the cost of the fuel to drive it. You use the car to drive him to appointments, but most of the time you drive the car just for your own needs. This may be a conflict of interest.

Who Pays for Dinner?

You dine out with family. Martin is with you, but he pays for everyone's dinner. This may be a conflict of interest, as it has the appearance of benefitting you and your family over Martin.

Should you do business with family?

Martin needs repair work in his apartment. You hire your son and pay him from Martin's money. This may be a conflict of interest, even though the work was needed. It appears that you have put your personal interest to benefit your son in conflict with Martin's needs.

Who Pays for Family Vacations?

You and your family bring Martin on vacation. Martin pays for everyone's expenses out of his estate. This may be a conflict of interest.

○First, ask Martin what he wants. He may be able to decide some things. If so, take this into account, especially if it is similar to his thinking in the past and the risk of harm to him is not unreasonable. For example, if Martin wants to handle money, see if he can manage a small bank account or a monthly cash allowance. Doing this will let him be in charge of a set amount, and you will limit the risk to that amount.

○Second, try to find out what Martin would have wanted. Look at any past decisions, actions, and statements. Find as much information as you can. Ask people who care about Martin what they think he would have wanted. Make the decision you think that Martin would have made, unless doing so would harm him.

○Third, do what you think is best for him. If you have looked hard and still don't know what Martin would have wanted—or if Martin could never make decisions about money and property—use your judgment about what is best. Put Martin's well-being above saving money for others who may inherit his money and property. Make sure that he is safe and comfortable, and his needs are met.

○Fourth, ask the court for guidance in making the contemplated decisions. This will shield you from more liability than necessary.

● **Avoid conflicts of interest.** A conflict of interest happens if you make a decision about Martin's property that may benefit someone other than Martin at his expense. Because you were appointed by the court, you have a strict duty to avoid conflicts of interest—or even the appearance of a conflict of interest. Try to keep an “arm's length distance” between your interests and any use of Martin's money. Consider getting the court's approval with any question that involves a conflict of interest.

● **Don't borrow, loan, or give Martin's money to yourself or others.** Even if the court order clearly allows gifts to you or others, be very careful to avoid conflicts of interest. Usually, the court must approve gifts or loans, or those over a certain amount. Make sure that any gifts do not increase or complicate Martin's taxes or change his plans for his property when he dies. Any gifts or loans should be in line with what Martin would have wanted. For example, if Martin gave money every year to a charity, the court may allow you to continue doing that.

● **Avoid changing Martin's plans for giving away his money or property when he dies.** There may be rare situations when changing Martin's plans is in his best interest. But you should get

legal advice and approval from the court before you do anything.

- **Don't pay yourself for the time you spend acting as Martin's guardian of property, unless the court allows you to do so.** Many family members appointed as guardians do not take a fee from the person they are protecting. If you choose to be paid and are allowed to pay yourself, get legal advice, check with the court, and carefully document how much time you spend and what you do.

To avoid any surprises or misunderstandings, tell family about your fees when you begin your duties as a guardian of the estate. If you charge fees, those fees must be reasonable and have backup documentation on how they were calculated. What is reasonable in one scenario may not be reasonable in another. For example, it might not be appropriate to charge the same amount per job or hour to do money management, as it is to pick up the mail or go shopping.

Tips for Making an Inventory

Search Carefully.

Look carefully to find everything Martin owns. Search his mail and home. Look for real estate by talking to family or advisors and looking through land records. Track down letters from creditors to find unpaid debts. Take valuable items to an appraiser.

Don't leave anything out.

Even if you know Martin wants you to have certain things and says so in his will, list them in the inventory. A proper inventory lists everything according to the court's rules. Do not decide that some things should not be listed.

Include Debts. Inventories should include debts as well as assets as they form a vital part of Martin's estate.

Verify if necessary.

It is a good idea to have someone else check the list, especially if family might argue over Martin's money and property.



Duty 2 | Manage Martin's money and property carefully

As Martin's guardian of the estate, you might pay bills, oversee bank accounts, or pay for things he needs. You might also make investments, pay taxes, collect rent or unpaid debts, get insurance if needed, cancel any unneeded insurance, and do other things in the court order.

You have a duty to manage Martin's money and property very carefully. Use good judgment and common sense. As a fiduciary, you must be even more careful with Martin's money than you might be with your own!

Follow these guidelines strictly according to the court's procedures:

• **Make an inventory and file it with the court.** To make careful decisions, you need to know what Martin owns and owes. An Inventory is a list of the assets that Martin owns on the day you were appointed his guardian. It is like a snapshot of this financial situation. To make a proper inventory, you must find and list for the court all of Martin's income and property, as well as any debts or legal claims against his properties (called liens.) To avoid any risk to Martin's money and property, you must make the inventory as quickly as possible.

An inventory may include all kinds of property. See NRS 159.085 for specific details. Your list might include:

- Checking and savings accounts;
- Cash;
- Pension, retirement, annuity, rental, public benefit, or other income;
- Real estate;
- Cars and other vehicles;
- Insurance policies;
- Trusts for which Martin is a beneficiary;
- Stocks and bonds;
- Jewelry, furniture, and any other items of value; and
- Unpaid credit card bills and other outstanding loans.

Things that require court permission

There are certain things that you will need to have permission from the court to do. These things include:

- ✓ Paying attorney fees from Martin's estate
- ✓ Paying guardian fees from Martin's estate
- ✓ Purchasing property with Martin's estate
- ✓ Selling Martin's property, including home, car and other possessions
- ✓ Making loans using estate funds
- ✓ Borrowing money for Martin
- ✓ Investing Martin's property
- ✓ Leasing Martin's property
- ✓ Placing Martin's property in trust
- ✓ Making gifts using Martin's estate
- ✓ Making payments to Martin's relatives
- ✓ Using Martin's credit cards



In Nevada, guardians of the estate are required to file their initial inventory no later than 60 days from the date that you were appointed guardian of the estate. If, at any time during the guardianship you learn of any new property that was not included on the initial inventory, you must update the inventory and file it with the court no later than 30 days after the date you became knowledgeable of the property.

You can access a Nevada Supreme Court approved inventory template here:

<http://selfhelp.nvcourts.gov/forms/guardianship-forms/guardianship-forms>

You are required to file the inventory with the court. You are also required to provide a filed copy to Martin, his attorney and any Guardian ad Litem. Keep a copy of the filed inventory for your records.

• **The court will probably require you to buy a bond or establish a blocked account.** The court may require you to buy a bond. A bond is a special type of insurance policy so the court can make sure you carry out your duties. If you fail in your duties and, as a result, money is lost or stolen, the bonding company will pay the money back. Then the company will collect the money from you. The cost of the bond may be payable from Martin's money. Ask the court staff whether you may use Martin's money to cover this expense.

Only people with good financial records and credit histories can get a bond. If you have had a bankruptcy, you will not likely be able to get a bond. Try to check this before you are appointed as guardian of property or as soon as possible. Take all steps the court advises about getting a bond.

Sometimes, instead of requiring a bond, the court will limit the amount of funds you can take out of Martin's account. This is called a blocked, or restricted, account. The court will tell the bank to block the account above a certain amount. If you want to spend more than that amount, you must get the court to approve the expense.

• **Protect Martin's property.** Keep his money and property safe and separate from your own. Have Martin's income and bills sent to you. Put his valuable items in safe deposit boxes and lock other items he is not using in storage. Keep Martin's cash in bank accounts that earn interest if possible and that have low or no fees.

The Budget

Tips for Budgeting

Understand Martin's Income and Expenses.

The budget should be realistic with what his budget can afford.

Martin's Income

The income will usually be a set amount each month and it will be automatically credited into his account from a retirement fund, or from a government agency. However, there will be instances where income will be received via a check. You must ensure that all income received via a check is deposited directly in the Guardianship account. Also, if there is an (Court Approved) Estate sale, all proceeds in the form of cash or checks must be deposited into the Guardianship account. A detailed sales log of items sold should be maintained with the Income records. When making deposits, ensure you include detail information on the deposit ticket from where the funds originated.

Martin's Expenses

The budgeted expenses will be based on where Martin resides. The budget should be realistic and accurately reflect true expenses. Make sure Martin is not over paying for services. Also, to guard against excessive and unnecessary medical bills, understand his coverage and limits so decisions can be made to change providers of care if necessary. For example, Acute Care and Custodial Care have different coverages and limitations, and could affect what Martin owes to the Provider.

Review bank and other financial statements promptly. If Martin will not be living in his home, consider changing the locks. Figure out if the house should be rented, sold or abandoned.

Additionally, you are required to keep it safe if it is vacant. If Martin rented an apartment or house and will be moving, tell the landlord, negotiate a termination of the lease, remove his things, and have the apartment cleaned.

- **Make a financial plan.** Make a budget as if you were making one for your own household. List how much you expect to pay for nursing home, assisted living or home care, rent, food, medical care, and home maintenance or repair. Be sure to include a monthly amount for Martin to use as he pleases. Think about any special expenses that may arise, such as dental work or any medical care or equipment that Medicare, Medicaid, or other health insurance will not cover. The budget should also include any attorney and guardian fees that will be charged to Martin's account. These fees must be approved by the court before they can be paid from Martin's account. Try to stick to your budget. If something very costly occurs, you may need the court to approve the expense.

You should file a budget no later than 60 days after your appointment as guardian of the estate. You can access a Nevada Supreme Court budget template here:

<http://selfhelp.nvcourts.gov/forms/guardianship-forms/guardianship-forms>

- **Invest carefully.** Nevada Revised Statute 159.117 requires you to get court approval if you are going to invest Martin's assets in something other than a checking or savings account (in an FDIC or equivalent, insured account), interest bearing obligations fully guaranteed by the United States, US Postal Service, Federal National Mortgage Association, or the general obligations of Nevada, or any Nevada city, county or school district. See the details of the statute for further details. If you are making investments for Martin, talk to a financial professional. The Securities and Exchange Commission (SEC) provides tips on choosing a financial professional at www.sec.gov/investor/alerts/ib_top_tips.pdf. Discuss your choices and goals for investing based on Martin's needs and values. Make sure the investment professional understands the statutory constraints mentioned above so they can help you get an appropriate investment plan the court will approve.

- **Pay bills on time.** Make sure bills are sent to you. Review bills and bank statements promptly.
- **Pay taxes on time.** You are now responsible for paying Martin’s taxes from his money. You must notify the IRS of the guardianship by filing a Form 56. You must file his federal income tax return and take care of any other taxes for which Martin may be responsible, including any applicable gift tax and property taxes due on any real estate he owns.
- **Cancel any insurance policies that Martin does not need.**
- **Collect debts.** Find out if anyone owes Martin money, and try to collect it. If a lawsuit is necessary to collect Martin’s money, you are the person who must bring the suit. You might need the court’s permission to bring such a suit.
- **There’s no place like home.** You will need the court’s permission to sell real estate Martin owns. Martin may want to continue to live in the home he owns or rents. In that case, determine if living in his home is safe and if Martin can manage in the house. If needed, put in guard rails, grab bars, smoke detectors, extra lighting, and other things to help him stay at home. Tax credits or deductions might be available if you make the home easier to live in. Work with any other decision-makers (such as an agent under a health care power of attorney or any guardian of the person if you have not been appointed to fill this role).

If it is not safe to live at home even with changes—or if Martin wants to move—**consider other places that meet Martin’s needs. Try to keep him connected to people and things important to him.** Choices might be living with someone else, or living in a retirement community, a senior apartment, group home, assisted living, or nursing home. You may need court approval for a move, a 10 day objection period and you may be required to notify certain family members.

Can Martin get any benefits?

Find out if Martin is eligible for any financial or health care benefits from an employer or a government. These benefits might include pensions, disability, Social Security, Medicare, Medicaid, Veterans benefits, housing assistance, or food stamps (now known as Supplemental Nutrition Assistance Program or SNAP). Use the National Council on Aging benefits check-up at www.BenefitsCheckUp.org.

Help him apply for those benefits. The Aging and Disability Resource Center (ADRC) where Martin lives can help you find information. Find Martin's local ADRC here:

<https://nevadaadrc.com/about-us/connect>.

If Martin receives Social Security benefits, you may need to apply to become his Representative Payee.

You can access their website here: <https://www.ssa.gov/payee/faqrep.htm>

Medicaid is complicated

Get legal advice and be very careful about decisions that may affect Martin's eligibility for Medicaid. The Medicaid program provides medical assistance and long-term care to low-income people. To find out more information on Nevada's Medicaid Program visit

<https://dwss.nv.gov/Apply/APPLY/>

Duty 3 | Keep Martin's money and property separate

Never mix Martin's money or property with your own or someone else's. Mixing money or property makes it unclear who owns what. Confused records can get you in trouble with the court.

Follow these guidelines:

- **Separate means separate.** Never deposit Martin's money into your own or someone else's bank account or investment account.
- **Avoid joint accounts.** If Martin already has money in a joint account with you or someone else, get legal advice before making any change.
- **Keep title to Martin's money and property in his own name.** This is so other people can see right away that the money and property is Martin's and not yours. Ask the bank for a guardianship or fiduciary account that shows you are managing the account for Martin.
- **Know how to sign as guardian of the estate.** Sign all checks and other documents relating to Martin's money or property to show that you are Martin's guardian of the estate. For example, you might sign: "Juan Doe, as guardian of the estate for Martin Roe." Never just sign "Martin Roe."
- **Pay Martin's expenses from his funds, not yours.** Spending your money and then paying yourself back makes it hard to keep good records. If you really need to use your money, save receipts for the expense and keep a good record of why, what, and when you paid yourself. Avoid using ATM withdrawals to reimburse yourself. Use a check and notate on the check what the reimbursement is for.

Avoid Pitfalls

- ✓ Get court approval for expenditures that are not included in the monthly budget
- ✓ Ensure all non-cash assets are secured and properly insured
- ✓ Set up a new bank account for the guardianship estate. Use this account to deposit all income and for all routine transactions
- ✓ Keep receipts for all estate transactions
- ✓ Do not mix estate property or funds with your own or anyone else's
- ✓ Do not borrow money from the estate
- ✓ Do not lend money from the estate
- ✓ Do not make cash withdrawals from the estate account.
- ✓ Write checks for expenses and notate the purpose in the memo line on the check
- ✓ Maintain complete, accurate and up to date records of all funds received or disbursed, assets sold or purchased and all other matters
- ✓ Avoid Casinos



Duty 4 | Keep good records and report to the court

You must keep true and complete records of Martin's money and property.

As guardian of the estate, the court or a lawsuit can challenge you to show everything you've done with Martin's money and property. Always be ready to share your records with family—unless you think they will misuse the information to harm Martin.

Practice good recordkeeping habits:

- **Keep a detailed list of everything that you receive or spend for Martin.** Records should include the amount of checks written or deposited, dates, reasons, names of people or companies involved, and other important information.

- **Keep receipts and notes, even for small expenses.** For example, write "\$28.72, groceries, ABC Grocery Store, May 2" in your records soon after you spend the money.

- **Avoid paying in cash.** Try not to pay Martin's expenses with cash. Also, try not to use an ATM card to withdraw cash or write checks to "Cash." If you need to use cash, be sure to keep receipts or notes.

- **Getting paid?** If you are permitted by the court to charge a fee to serve as guardian of property, be sure you charge a reasonable fee. You should not charge more than what a person not under guardianship would be charged for services. Make sure your services as a guardian are practical. For example, if you can manage Martin's financial affairs on line with automatic payments and deposits, you will reduce the time you need to go to the bank, write checks for bills, and the cost for postage, thereby reducing costs for Martin. Keep detailed records as you go along of what work you did, how much time it took, when you did it, and why you did it. These records should be included in your request for fees and annual accounting each year.

- **File your accountings with the court.** If the Protected Person has an estate that is worth more than \$10,000.00, you will need to file an accounting each year. An accounting is a record of the financial transactions and changes in Martin's finances that happen in the course of the accounting period (usually a year). The accounting contains information on what assets the person owns

Helpful Tips

- ✓ Set up a filing system to keep accounting records for the Guardianship Estate. You will need to file all receipts for any purchase of \$250.00 with your annual accounting, and may need to produce all other receipts if the judge requests them.
- ✓ Make the accounting easy by documenting income and expenses as they are deposited and paid out each month.
- ✓ If you are using the annual accounting form approved by the Supreme Court of Nevada, you can fill out Worksheet A “Income” monthly as the Protected Person’s income is received. You can also complete Worksheet B “Expenses” monthly to document all expenditures paid out that month.
- ✓ File Worksheet B “Expenses” with all the receipts you have for that particular month attached to it.
- ✓ Double check your accounting by verifying the actual assets in Martin’s estate are the same (Worksheet A: Ending Net Asset Value) is the same as the Worksheet A Beginning Net Asset Value, plus the total from the Account Summary.

and the Protected Person’s income and expenses during the year. A hearing is required so the judge can review and approve the annual accounting.

You can use the Nevada Supreme Court approved Accounting template when you need to file an accounting.

To access this template visit

[http://selfhelp.nvcourts.gov/forms/guardianship-](http://selfhelp.nvcourts.gov/forms/guardianship-forms/guardianship-forms)

[forms/guardianship-forms](http://selfhelp.nvcourts.gov/forms/guardianship-forms/guardianship-forms). Use the records you have kept during the year to fill in the accounting form. If you have questions, you can contact the State Guardianship Compliance office at 1-833-421-7711, or ask a lawyer.

- In Nevada, the accounting is typically due 60 days from the anniversary date of the appointment of guardian of estate. This means that if you were appointed Martin’s guardian on May 1, 2018, your first accounting is before June 29, 2019. If the court wants the accounting filed on a different date, they will notify you of that date. Be sure to turn the accounting in on time. If your accounting is late, the court may call you in to explain why.

- Your accounting must be clear and must “add up.” The accounting should show a beginning balance, income during the year, expenses during the year, and an ending balance. The ending balance for one year should be the same as the beginning balance for the next year. The beginning balance plus the income should always (after adjustments for the value of assets and gains/losses) equal the Ending Net Balance plus the expenses. If your accounting is not clear, does not add up, it significantly exceeds the approved budget, does not provide enough information regarding income or expenses, or has red flags, the court may order a financial audit of the guardianship estate.

- **File a final accounting after Martin dies.** Notify the court when Martin dies. According to court procedures, make a final accounting of Martin’s money and property, and ask for an order releasing you from your duties.

- Sometimes, you may need to pay final bills or make final arrangements, especially if no one else can do it. For example, you may need to pay funeral expenses and final medical bills.

- If Martin did not already make funeral or burial arrangements, look for any directions he may have left—perhaps in advance directives or remarks to family or friends.

- An executor named in a will, an administrator named by the court, or a trustee named in a trust will handle Martin’s money and property after you turn them over. Hold Martin’s personal things safely until they are transferred to whoever is to receive them. If you are the one named to handle Martin’s money and property after his death, make sure you understand when your duties as guardian of the estate end and your new duties begin.
- Things to Avoid:
 - Unorganized, inaccurate, accountings
 - Not filing or filing late accountings
 - ATM or cash transactions
 - Unusual purchases not approved by court order
 - Unprotected guardianship assets
 - Large and or frequent “Miscellaneous” or “Incidental” cash transactions
 - Transactions at a casino other than for services provided (dinning, movie, bowling etc.)
 - Losing or not providing supporting documentation
 - Waiting too long to plan a for a successor guardian
 - Guardian’s personal financial troubles
 - Guardian being supported financially by the protected person
 - Using Martin’s credit cards

What if there are other fiduciaries?

Co-guardians

The court may have named someone else to act with you as Martin's guardian of the estate, or it may have named someone else to act as Martin's guardian of the person to make healthcare and other personal decisions.

Any other guardians will be your partners in making decisions on Martin's behalf and in helping him make decisions if he is able. You must work closely together. For example, if Martin will move to a new location or get special care, his guardians must make important personal and financial decisions. You must consult with one another.

Other types of fiduciaries

Other fiduciaries may have authority to make decisions for Martin. For example, he may have an agent under a power of attorney, a representative payee who handles Social Security benefits, or a VA fiduciary who handles veteran's benefits. It is important to work with these other fiduciaries, and keep them informed.

Government benefits require special fiduciaries

As guardian of the estate, you cannot manage Martin's government benefits such as Social Security or VA benefits unless you get a separate appointment from the government agency as, for example, a representative payee or VA fiduciary. For more information, contact the government agency.

Social Security Administration: <https://www.ssa.gov/payee/faqrep.htm>

Veteran's Administration: <https://www.benefits.va.gov/fiduciary/>

How to avoid problems with family or friends?

Family or friends may not agree with your decisions about Martin's money and property. To help reduce any friction, follow the four duties described above and the guidelines we've given you.

- Sharing information may help (unless Martin has said that you should not). It usually is easier to deal with questions about a decision when it happens than to deal with suspicion and anger that may build over a long time.
- Some family or friends may not have Martin's best interest at heart, so it may be better not to share information with them, or to ask the court not to share it. Use your best judgment.

- If family or friends don't agree with your decisions, try to get someone to help sort it out—for example, a family counselor or mediator.

What should you know about working with professionals?

In managing Martin's affairs, you may need help from professionals such as lawyers, brokers, financial advisors, accountants, real estate agents, appraisers, psychologists, social workers, doctors, nurses, or care managers. You can pay them with Martin's money. These expenses should be included in the budget filed with the court.

If you need help from any professionals, remember these tips:

- **Check on the professional's qualifications.** Many professionals must be licensed or registered by a government agency. Check credentials with the government agency. Make sure the license or registration is current and the professional is in good standing. Check the person's complaint history.
- **Interview the professional thoroughly and ask questions.**
- **Review contracts carefully before signing.** Before hiring any professionals, get their proposed plan of work and expected fee.
- **Make your own decisions based on facts and advice.** Listen to their advice but remember you are the decision-maker.

What to do if Martin is exploited

- Call the emergency 911 number if Martin is in immediate danger.
- Call local adult protective services or the police or sheriff. You may be required by law to do this.
- Alert Martin's bank or Credit Card Company.
- Call the local prosecutor or state attorney general.
- Call the long-term care ombudsman program or the state Medicaid fraud control unit if Martin is in a nursing home or assisted living.
- Consider talking to a lawyer about protecting Martin from more exploitation or getting back money or property taken from him.
- Notify the court and Martin's court appointed attorney.

Each agency or professional has a different role, so you may need to call more than one. For more information, see *Where to go for help* on page 26 of this guide.

WATCH OUT FOR FINANCIAL EXPLOITATION

Family, friends, neighbors, caregivers, fiduciaries, business people, and others may try to take advantage of Martin. They may take his money without permission, neglect to repay money they owe, charge him too much for services, or just not do things he has paid them to do. These may be examples of financial exploitation or financial abuse. As Martin's guardian of the estate, you should help protect him. You should know the signs of financial exploitation for five important reasons:

1. Martin may still control some of his funds and could be exploited;
2. Even if Martin does not control any of his funds, he still may be exploited;
3. Martin may have been exploited already, and you may still be able to do something about that;
4. People may try to take advantage of you as Martin's guardian; and
5. Knowing what to look for will help you avoid doing things you should not do, protecting you from claims that you have exploited Martin.

Common Signs of Exploitation

- **Some money or property is missing.**
- **Martin says that some money or property is missing.**
- **You notice sudden changes in Martin's spending or savings.**

For example, he:

- Takes out lots of money from the bank without explanation;
- Tries to wire large amounts of money;
- Uses the ATM a lot;
- Is not able to pay bills that are usually paid;
- Buys things or services that don't seem necessary;

- Puts names on bank or other accounts that you do not recognize or that he is unwilling or unable to explain;
 - Does not get bank statements or bills;
 - Makes new or unusual gifts to family or others, such as a “new best friend”;
 - Changes beneficiaries of a will, life insurance, or retirement funds; or
 - Has a caregiver, friend, or relative who suddenly begins **Martin says he is afraid or seems afraid of a relative, caregiver, or friend.**
 - **A relative, caregiver, friend, or someone else keeps Martin from having visitors or phone calls, or does not let him speak for himself, or seems to be controlling his decisions.**
-

What to do if Martin has been scammed?

If you suspect a scam, get help. Contact a local, state, or federal agency, depending on the type of scam. You may also need to talk to a lawyer.

Local agencies to call are adult protective services, the long-term care ombudsman program, the police or sheriff, and the local Better Business Bureau.

State agencies to call are the office of the attorney general or another agency that deals with consumer protection.

Call a federal agency if scammers are in other states or countries. Federal agencies are the Bureau of Consumer Financial Protection, the FBI, the Federal Trade Commission, or the U.S. Postal Inspection Service.

Each of these agencies and professionals has a different role so you may need to call more than one.

For more information, see *Where to go for help* on page 26 of this guide.

BE AWARE OF CONSUMER SCAMS

As Martin’s guardian of the estate, you should be alert to protect his money from consumer scams as well as financial exploitation. Criminals and con artists have many scams and they change them all the time. They often seek unsuspecting people who have access to money. Learn to spot consumer scams against Martin—and against you as his guardian of the estate.

How can you protect Martin from scams?

Consumer scams happen on the phone, through the mail, e-mail, or the Internet, and they occur in person, at home, or at a business.

Here are some tips:

- **Put Martin’s number on the National Do Not Call Registry.** Go to www.donotcall.gov or call 1-888-382-1222.
 - **Don’t share numbers or passwords for Martin’s accounts, credit cards, or Social Security,** unless you know whom you’re dealing with and why they need the information.
 - **After hearing a sales pitch, take time to compare prices.** Ask for information in writing and read it carefully.
 - **Too good to be true?** Ask yourself why someone is trying so hard to give you a “great deal.” If it sounds too good to be true, it probably is.
 - **Watch out for deals that are only “good today” and that pressure you to act quickly.** Be suspicious if you are not given enough time to read a contract or get legal advice before signing. Also watch out if you are told that you need to pay the seller quickly, for example by wiring the money or sending it by courier.
 - **Never pay up front for a promised prize.** Suspect a scam if you are required to pay fees or taxes to receive a prize or other financial windfall. .
- **Watch for signs Martin already has been scammed.** For example, does he receive a lot of mail or

e-mail for sweepstakes? Has he paid people you don't know, especially in other states or countries? Has he taken a lot of money out of the bank while he was with someone he recently met? Does he have a hard time explaining how he spent that money? Is he suddenly unable to pay for food, medicine, or utilities?

Common Consumer Scams

Relative in need	Someone who pretends to be a family member or friend calls or e-mails you to say they are in trouble and need you to wire money right away.
Charity appeals	You get a call or letter from someone asking for money for a fake charity—either the charity does not exist or the charity did not call or write to you.
Lottery or sweepstakes	You get a call or e-mail that you have a chance to win a lot of money through a foreign country’s sweepstakes or lottery. The caller will offer tips about how to win if you pay a fee or buy something. Or the caller or e-mail says you already have won and you must give your bank account information or pay a fee to collect your winnings.
Home improvement	Scammers take money for repairs and then they never return to do the work or they do bad work. Sometimes they break something to create more work or they say that things need work when they don’t.
Free lunch	Scammers invite you to a free lunch and seminar, and then pressure you to give them information about your money, and to invest the money with them. They offer you “tips” or “guaranteed returns.”
Free trip	Scammers say you’ve won a free trip but they ask for a credit card number or advance cash to hold the reservation.
Government money	You get a call or letter that seems to be from a government agency. Scammers say that if you give a credit card number or send a money order, you can apply for government help with housing, home repairs, utilities, or taxes.
Drug plans	Scammers pretend they are with Medicare prescription drug plans, and try to sell Medicare discount drug cards that are not valid. Companies with Medicare drug plans are not allowed to send unsolicited mail, emails, or phone calls.
Identity theft	Scammers steal personal information—such as a name, date of birth, Social Security number, account number, and mother’s maiden name—and use the information to open credit cards or get a mortgage in someone else’s name.
Fake “official” mail	Scammers send letters or e-mails that look like they are from a legitimate bank, business, or agency to try to get your personal information or bank account number.

*WHERE TO GO
FOR HELP*

Local and state agencies

Elder Protective Services

Las Vegas 1-702-486-6930

Statewide/All Other Areas 1-888-729-0571

Aging and Disability Resource Center

211

<https://www.nevadaadrc.com/>

Attorney General

775-684-1100

<http://ag.nv.gov/>

Better Business Bureau

Northern Nevada & Utah 1-888-892-6009

Southern Nevada 702- 320-4500

<https://www.bbb.org/bbb-directory/us/nv>

Long-Term Care Ombudsman Program

775-687-4210

<http://adsd.nv.gov/Programs/Seniors/LTCOmbudsman/LTCOmbudsProg/>

Medicaid/Medical Assistance

<https://dwss.nv.gov/Apply/APPLY/>

Medicaid Fraud Control Unit

Northern Nevada 775-684-1100

Southern Nevada 702-486-3240

http://ag.nv.gov/About/Criminal_Justice/Medicaid_Fraud/

Federal agencies

Numerous federal agencies play a role in combatting fraud and abuse and educating consumers. Contact them for more information.

Bureau of Consumer Financial Protection

1-855-411-2372

www.consumerfinance.gov

Do Not Call Registry

1-888-382-1222

www.donotcall.gov

Federal Bureau of Investigation

www.fbi.gov/scams-safety

Federal Trade Commission

1-877-FTC-HELP (382-4357)

www.consumer.ftc.gov

Financial Fraud Enforcement Task Force

www.stopfraud.gov

Postal Inspection Service

1-877-876-2455

<https://postalinspectors.uspis.gov/>

Social Security Administration

1-800-772-1213

www.socialsecurity.gov/payee

Department of Veterans Affairs

1-888-407-0144

www.benefits.va.gov/fiduciary

For legal help

Legal Aid Center of Southern Nevada

725 E. Charleston Blvd.
Las Vegas, NV 89101
Phone: 702-386-1070
www.lacsn.org

Nevada Legal Services

Las Vegas Office
530 S. Sixth Street
Las Vegas, NV 89101
Phone: 702-386-0404

Reno Office
204 Marsh Ave., Suite 101
Reno, NV 89509
Phone: 775-384-3491

www.nevadalawhelp.org
www.nlslaw.net

Southern Nevada Senior Law Program

530 Las Vegas Blvd., South, Suite 310
Las Vegas, NV 89101
Phone: 702-229-6596

www.snslp.org

Washoe Legal Services

299 S. Arlington
Reno, NV 89501
Phone: 775-329-2727

www.washoelegalservices.org

Volunteer Attorneys for Rural Nevadans

904 N. Nevada Street
Carson City, NV 89703
Phone: 775-883-8278

www.varn.org