

Attorneys and GALs in Nevada Guardianships		
	Attorney for Protected Person	Guardian Ad Litem for Protected Person
Statute	NRS 159.0485 <i>shall</i> appoint NRS 159A.0483 <i>may</i> appoint	NRS 159.0455 <i>may</i> appoint NRS 159A.0455 <i>may</i> appoint
Rule	NGR 9	NGR 8
Appointment	NRS 159.0485 Upon petition County with legal services: appoint County with no legal services or legal services unable to accept: Court determine PP has ability to pay. If yes, appoint attorney If no, NRS 247.305(3)(a)(2) money to pay atty	NGR 8D May be appointed if the PP “will benefit from the appointment of the services of GAL or if the appointment will be beneficial in determining best interest” NRS 159A.0455 May be appointed “if the court believes that the minor could benefit from that appointment” Court may not appoint GAL unless: 1. Court believes attorney or PP is unable to provide information; 2. No volunteer is available; or 3. Extraordinary circumstances exist in which attorney may assist.
Waiver	NGR 9A Entitled to Counsel of PP’s choosing PP may decline representation unless Court finds PP lacks minimum capacity to make those decisions. Waiver must be knowing, voluntary and reasonable	

<p>Scope</p>	<p><i>NGR 9B</i> Zealously advocate for: PP's expressed wishes; and shall protect the due process rights</p>	<p>Zealously advocate for: PP's best interest</p>
<p>Relationship</p>	<p><i>NGR 9C</i> Normal client-attorney relationship; Advocate expressed wishes, even if conflict with best interest</p>	<p><i>NGR 8C</i> Officer of the Court; "Representative of PP;" Not a party to the case</p> <p><i>NRS 159A.0455(3)</i> Officer of the court Does not represent PP Shall not offer legal advice; Is not a party</p>
<p>Duties</p>	<p><i>NGR 9D - E</i> Advocate for expressed wishes, including advance directive Review pleadings and records Personally visit and interview Explain to PP consequences, alternatives, rights, opposition Secure and present evidence Conduct independent investigation Participate in all proceedings Ensure PP attendance Communicate and coordinate with parties File pleadings</p>	<p><i>NGR 8E</i> Order Appointing shall identify issues the GAL shall address</p> <p><i>NRS 159A.0455(3)</i> Shall advocate best interests; Shall provide all info to court accordance to rule; Shall serve until relieved</p>

	<p>Communicate Court's decision to PP</p> <p>Ensure no less restrictive alternative</p> <p>Ensure due process and procedure is followed</p> <p>Confirm petition is supported by clear and convincing evidence</p> <p>Confirm proposed guardian is qualified to serve</p> <p>Advocate and confirm orders are least restrictive</p> <p>Protect dignity of PP</p> <p>Protect confidential information</p> <p>Continue until relieved</p>	
Access	<p><i>NGR 9F</i></p> <p>Order for access to all relevant documents, including private, confidential, financial, HIPAA protected</p>	<p><i>NGRE</i></p> <p>Order for access to all relevant documents, including private, confidential, financial, HIPAA protected</p>
Waiver of Rights	<p><i>NGR 9G</i></p> <p>Shall be entitled to waive rights and admit matters in guardianship proceedings</p>	<p><i>NGR 8F</i></p> <p>Shall NOT have authority to waive rights, including without limitation: counsel; oppose guardianship; choice of guardian; attend hearings; oppose action by guardian</p>
Limitations	<p><i>NGR 9I</i></p> <p>PP unable to communicate, shall protected legal interest and due process rights.</p> <p>May take protective action NRPC Rule 1.14 which may include appointment of GAL</p>	<p><i>NGR 8G</i></p> <p>Independent investigation and assessment of facts</p> <p>Shall NOT be a witness</p> <p>Shall NOT testify</p> <p>Shall NOT be subject to subpoena</p>

Experience/Training		<p><i>NGR 8H</i> Volunteer from court approved advocate program; Attorney; or Other person with appropriate training and experience.</p>
Attorney Fees	<p><i>NGR 9L</i> Fee pursuant to NRS 159.344 and court order approving whether paid from guardianship estate or third party</p>	<p><i>NGR 8I and J</i> If volunteer from court approved volunteer program, order shall state; If pro bono attorney, order shall state; Fees pursuant to NRS 159.344 whether from guardianship estate or third party</p>
Mandatory Reporting	<p><i>NGR 9J</i> Shall be authorized to prosecute a petition to enforce rights. With prior approval of guardianship court, may commence separate lawsuit to enforce rights.</p> <p><i>NRS 200.50982</i> Shall notify court within 20 days after receipt of data or information concerning APS report or investigation</p>	<p><i>NGR 8O</i> GAL shall immediately report to the court any violation of PP's Bill of Rights</p>
Conflict	<p><i>NGR 9K</i> Shall be alert to potential conflicts and request appointment of separate attorney</p>	<p><i>NGR 8P</i> Shall be alert to potential conflicts and request appointment of separate GAL</p>

Service		<p><i>NGR 8M</i> GAL Report served on all parties</p>
Roles	<p><i>NGR 9H</i> Distinct from GAL and investigator; Shall NOT serve as GAL in same or related; Shall NOT serve as attorney for guardian in same or related</p>	<p><i>NGR 8N</i> Distinct from attorney and investigator; Shall NOT serve as attorney in same or related; Shall NOT serve as investigator in same or related</p>