

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE CREATION  
OF A COMMISSION TO STUDY THE  
CREATION AND ADMINISTRATION  
OF GUARDIANSHIPS.

ADKT 0507

**FILED**

JUL 22 2016

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
CHIEF DEPUTY CLERK

*ORDER*

On June 8, 2015, this court created a commission to study and make appropriate recommendations for statewide policies and procedures concerning the creation and administration of guardianships. During the course of its work, the commission has determined that there is some confusion as to the application of the Rules of Civil Procedure (NRCPP) and the evidence code to guardianship matters. Accordingly, the commission has asked this court to clarify the application of the rules and code to proceedings under NRS Chapter 159 (Guardianships).

NRCPP 1 makes clear that the NRCPP govern procedures in district courts in all suits of a civil nature whether cognizable in law or equity, with exceptions noted in NRCPP 81(a). NRCPP 81(a) provides that the NRCPP govern procedure and practice except unless they are in conflict with procedure and practice provided by statute in special statutory proceedings. Based on NRCPP 81(a), the NRCPP apply in guardianship matters, unless there is a specific statute in Chapter 159 regarding a procedure or practice that conflict with the NRCPP.

As to evidence, NRS 47.020 sets forth the scope of Title 4 of the Nevada Revised Statutes, which deals with evidence and witnesses. Specifically, Title 4 governs "proceedings in the courts of this State and before magistrates," unless the provisions of Title 4 "are relaxed by a

statute or procedural rule applicable to the specific situation.” NRS 47.020(1)(a). There are also exceptions enumerated in NRS 47.020(3), all of which pertain to criminal matters and therefore are not applicable in the context of a guardianship matter. This court concludes that Title 4 of the NRS is applicable in guardianship matters unless there is a specific statute or procedural rule in NRS Chapter 159 that applies.

This order does not preclude a challenge to the procedure or evidence in a guardianship matter based, for example, on a conflicting statute or general concerns about admissibility such as relevance or probative value, but is intended solely to clarify that NRCP and Title 4 of the NRS are generally applicable to guardianship proceedings under NRS Chapter 159.

It is so ORDERED.

Parraguirre, C.J.  
Parraguirre

Hardesty, J.  
Hardesty

Cherry, J.  
Cherry

Gibbons, J.  
Gibbons

Douglas, J.  
Douglas

Saitta, J.  
Saitta

Pickering, J.  
Pickering

cc: All District Court Judges  
Kimberly F. Farmer, Executive Director, State Bar of Nevada  
Administrative Office of the Courts