State of Nevada

Guardianship Monitoring and Oversight

Guardianship Commission:

The Guardianship Commission was initially the Commission to Study Guardianship and it was formed in 2015 as a result of significant guardianship abuses. The original commission created many new guardianship laws during the 2017 legislative session. Some of these include statutes addressing:

- Automatic appointment of attorneys for all adult protected persons, including a funding mechanism
- A funding mechanism to fund investigators for minor guardianship cases
- The creation of the State Guardianship Compliance Office
- Noticing Requirements
- Restrictions on guardians regarding communication and visitation
- Attorney's fees
- Guardian fees
- Creation of the Protected Person's Bill of Rights
- Sanctions and penalties for guardians who harm people deliberately and/or violate their protected rights

In 2017 the Nevada Supreme Court created a permanent Guardianship Commission and identified 13 areas of focus:

- Develop Rules outlining the duties of an attorney for a proposed protected person.
- Rules outlining the duties of a guardian ad litem for a proposed protected person.
- Procedures or rules to require mediation in contested guardianship cases.
- Rules to evaluate Court supervision of guardianships including training, staffing, scheduling and caseload limits.
- Rules to designate training and caseload for professional guardians, both private and public.
- Uniform statewide rules and forms for the processing of guardianship proceedings in all Nevada District Courts.
- Rules requiring a court to make specific findings if the court does not order a bond or blocked account.
- Rules requiring the Court to create and maintain a separate case for each individual protected person regardless of whether the petition was filed for two or more protected persons
- Development of a uniform Guardianship information sheet to be used by all Nevada District Courts.
- Performance measures to be used by district courts that include age of pending case, time to disposition and clearance rates for guardianship cases.
- Rules for the qualifications of non-attorney guardian ad litem or advocate.
- Rules outlining the initial plan for guardianship, to include:
  - Recommendations regarding the fee structure to compensate guardians and others they hire;
  - Recommendations regarding the process, notice and findings required for the approval of fees to guardians and those they hire;
  - Recommendations concerning the process, timing, notice and findings regarding accountings of the protected person’s estate.
- Modifications to the Judicial Code to accommodate the judge's ability to consider ex parte communication that deal with the welfare of the protected person.