

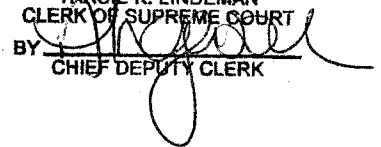
SUPREME COURT OF NEVADA
JAMES W. HARDESTY, JUSTICE
201 SOUTH CARSON STREET
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June 14, 2016

FILED

JUN 23 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

The Honorable Ron Parraguirre
Chief Justice
Nevada Supreme Court
201 Carson Street, Ste. 250
Carson City, NV 89701

**RE: Commission to Study the Administration of Guardianships in Nevada's
Courts Request Extension of Final Report Deadline**

Dear Chief Justice Parraguirre:

The Commission to Study the Administration of Guardianships in Nevada's Courts was created under ADKT 507 on June 8, 2015. The original petition directed the Commission to file a report with this court on its findings and recommendations by December 31, 2015. An order was filed on December 2, 2015, extending the deadline for that report to July 1, 2016.

As of June 13, 2016, the Commission to Study the Administration of Guardianships in Nevada's Courts (Commission) has held twelve meetings and has a thirteenth meeting scheduled for June 21, 2016. The Commission has received presentations from both local and national experts on the subject of guardianships. The Commission has also heard extensive testimony from members of the public. As Chair of the Commission, and based on discussions during the first five meetings, I identified and posed a list of 30 General Policy Questions for the Commission to discuss and vote on in subsequent meetings. Additional questions were added as the Commission voted on each issue. A list of the General Policy Questions the Commission has been working through is attached.

While the Commission has approved many of the General Policy Questions, including the recommendation to create a permanent commission to address guardianship issues and the recommendation to draft legislation to revise NRS Chapter 159 incorporating the concept of "incapacitated person," there is still much work that needs to be done. The remaining General Policy Questions require specific recommendations with a need for additional research and discussion. Some of the specific recommendations still being addressed by the Commission include a Bill of Rights for adults under guardianship, a specific statute addressing minor guardianships, how guardian and attorney fees are determined, supportive living agreements, the

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The Honorable Ron Parraguirre

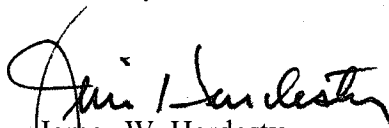
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management and administration of a ward's estate, including real and personal property, and notice requirements. At the June 13, 2016, meeting, the Commission unanimously voted to seek an extension of the deadline for the Commission's work and final report. The Commission respectfully requests that the final report deadline be extended to September 30, 2016, at which time the Commission will provide the Court with a comprehensive report including recommendations for court rules, legislation, and statements of support.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Hardesty", written in a cursive style.

James W. Hardesty
Associate Chief Justice

JWH/sh

Attachment

cc: All Justices

General policy questions:

1. Should the Nevada Supreme Court establish a permanent Commission to address issues of concern to the elderly, including continue review of Guardianship Rules/processes in Nevada?
2. Does the Commission favor a recommendation to adopt a Bill of Rights for Wards?
3. (1) Does the Commission recommend the idea that every Ward, regardless of means, is entitled to legal counsel? (2) How and under what circumstances should an attorney be appointed?
4. Does the Commission favor a Guardian Ad Litem program similar to Virginia or under some other model? How and under what circumstances should a GAL be appointed?
5. Does the Commission recommend the use, where available of volunteers or programs similar to SAFE to assist proposed wards and the Court in a guardianship proceeding?
6. Does the Commission favor the idea of changing definitions or terminology? Should the Commission recommend changes to the Physician Certificate and if so how?
7. Does the Commission wish to make recommendations concerning the confidentiality of all or some of the proceedings in guardianship cases?
8. Does the Commission recommend changes to the process for the appointment of temporary guardianships? If so, how should that process be modified?
9. Does the Commission support a recommendation to adopt Supportive Living Agreements similar to the approach taken in Texas?
10. Should every hearing involving a Ward require the Ward's presence, which can only be exempted upon a medical showing or some other good cause approved by the court?
11. Should the notice requirements in Chapter 159 be amended and if so how?
12. Does the Commission favor the idea of limited guardianships in circumstances in which the capacity of the individual may not place them in a position where a full guardianship is warranted?
 - a. Does the Commission support the concept, which would require greater evidence for the judge to make the determination of exactly what the incapacity is and how that is documented and supported?
13. Does the Commission favor so called "person-centered planning" and determinations by the Court that guardianships are approved only for "least restrictive alternatives"?
14. Does the Commission wish to make recommendations concerning the use, timing, scope, process and participants in mediation in guardianship proceedings?
15. Should the Court be required to make specific findings in any order appointing a guardian that includes a conclusion that no other least restrictive means are available to address the needs of the proposed ward?
16. Does the Commission recommend rules to evaluate Court supervision of guardianships including training, staffing, scheduling and caseload limits?
17. Does the Commission favor the use of Elder Protective Services (EPS) or some other entity independent of the court system to conduct investigations as necessary?
18. Does the Commission favor the use of auditors independent of the Court system to evaluate financial records, fee requests and other petitions/motions raising financial issues concerning the ward?

19. Does the Commission favor recommendations concerning the training, licensure or other matters pertaining to the practice of private professional guardians?
20. Does the Commission wish to make recommendations concerning the use, timing, training, or caseloads of the Public Guardians?
21. Does the Commission wish to make recommendations concerning the use and appointment of private professional guardians?
22. Does the Commission wish to make recommendations concerning the fee structure to compensate guardians and others they hire?
23. Does the Commission wish to make recommendations concerning the process, notice and findings required for the approval of fees to guardians and others they hire?
24. Does the Commission wish to make recommendations concerning the process and timing for filing and evaluating an inventory for the ward?
25. Does the Commission wish to make recommendations concerning the process, timing, notice and findings the Court must make concerning accountings of the ward's estate?
26. Does the Commission wish to make any recommendations in the use of bonds and the allocation of costs for bonds in guardianship appointments?
27. Does the Commission wish to make recommendations concerning the management/administration of the wards estate including the process and notice requirements to sell estate assets?
28. Does the Commission wish to make recommendations concerning the data used to manage guardianship cases?
29. Does the Commission wish to make recommendations concerning the use of forms in guardianship proceedings?
30. Does the Commission wish to make recommendations limiting a guardian's authority to isolate or restrict access to a ward from family and friends?
31. Does the Commission recommend an Office of State Public Guardian to serve as the Public Guardian in all counties? The Office would include the retention of accountants, auditors, and investigators to provide support to counties whose population is 100,000 or less.
32. Does the Commission call upon the Supreme Court to adopt uniform statewide court rules and forms for the processing of guardianship proceedings in all Nevada District Courts?
33. Does the Commission approve of the draft court rule regarding NRS 159.057, which allows a petition to be filed for more than one person under certain circumstances?