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Elizabeth A. Brown  
Clerk of the Supreme Court  
201 S. Carson Street  
Carson City, NV 89701

FILED

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VIA FACSIMILE TO 775-684-1601

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

Re: Guardianship Commission Report

TO WHOM IT MAY CONCERN:

I have been a guardianship attorney since 1984. I represent guardians for adults. I no longer am involved in minor child guardianships but over the years I have handled numerous cases involving minors. I note that most of the Commission's Recommendations were adopted by the legislature and became effective this year. The change in the use of the term "ward" to "protected person" is semantics. Other changes are substantive, but additional legislative revisions are unnecessary and do not achieve the goal of protecting persons. More statutory amendments will just make the guardianship code more complicated and I urge the Commission not to seek further legislative changes to the NRS. Many guardians do not have attorneys and there is already great confusion in the guardianship court without additional legal burdens.

My greatest concern is that the Commission has already gone too far in attacking guardians who attend to the needs of protected persons. In all of my cases, family members serve as guardians. Guardians used to be congratulated by the Court for their efforts. Recently, in conjunction with some bad press there has been a change in the attitude of the court. Instead of congratulating guardians for their services they are now treated as suspects. In one of my cases a disgruntled X-wife sought the services of counsel that specializes in getting guardians indicted and used the guardianship court to get even with her X-husband who is now facing felony charges. The perceived abuse of protected persons has opened the door to legal abuse of guardians.

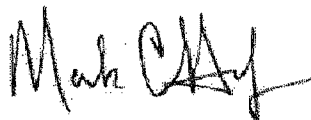
This is the new era of guardianship law that this Commission has ushered in. It may not have been the goal of the Commission to launch an attack on guardians, but that is what is occurring. I recommend that the Commission use caution in its future activities. No additional legislative revisions are appropriate or necessary.

There is also a lack of continuity in guardianship court. Adult guardianships often go on for as long as the protected person lives. But, judges come and go and every time there is a new judge, that judge understandably has concerns and no time to review the record to understand the history of the case. This is exasperating for guardians who come to court annually and every few years have to educate a new judge of what should be considered the law of the case. An annual report should not have to start at the beginning of a case just because the case is reassigned to a new district judge.

In closing, please be advised that protected persons are often very needy, demand a huge amount of time of their guardians and are generally ungrateful for the services they receive. This is, in large part, due to their disabilities. Each case must be treated separately and uniform rules cannot accomplish the flexibility needed by guardianship judges, with one possible exception. There should be a standard form for an accounting. I have been using the Supreme Court's suggested form published December 14, 2006. It has been my experience that the guardianship judges have trouble understanding it so I created a simplified accounting form which has now been objected to by the Guardianship Compliance Office. I have therefore gone back to the Supreme Court form with no alterations.

When guardians make their annual accounting, report and petition, they have an expectation that what has been approved for years and years will be approved again. That is no longer true as the guardianship court now looks to find fault with very hardworking people. When a protected person has money and income for life and an estate that can pay for services, there should be no artificial limitations placed on the discretion of the district court. Therefore, I submit no additional changes to the guardianship code are merited.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mark C. Hafer". The signature is written in a cursive, somewhat stylized font.

MARK C. HAFER, ESQ.

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\*\*\* RX REPORT \*\*\*  
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RECEPTION OK

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