

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 507

FILED

AUG 02 2017

ORDER

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

WHEREAS, on June 8, 2015, this court created a statewide commission, composed of stakeholders in the public and private guardianship system, to study and make appropriate recommendations for statewide policies, procedures and legislative changes concerning the creation and administration of guardianships. The Guardianship Commission held multiple meetings between July 15, 2015, and September 30, 2016, during which the Commission received presentations from local and national experts on the subject of guardianships and heard extensive testimony from members of the public;

WHEREAS, the Nevada Legislature considered and adopted numerous recommendations made by the Guardianship Commission during the 79th Session of the Legislature, including, among others, Assembly Bills 130 (making numerous amendments to NRS Chapter 159 concerning the creation and administration of guardianships) and 319 (establishing a separate statutory scheme for the creation and administration of juvenile guardianships), and Senate Bills 168 (creating a Bill of Rights for proposed protected and protected persons) and 433 (providing for financial support for the appointment of legal counsel for proposed protected and protected persons);

WHEREAS, after considering all information presented to it, the Commission also recommended that the Nevada Supreme Court establish a permanent Guardianship Commission to address issues of concern to those persons who would be subject to the guardianship statutes, rules, and processes in Nevada. Specifically, the Commission has recommended that the permanent Guardianship Commission study and make recommendations for the Court's consideration in the following areas:

1. Rules outlining the duties of an attorney for a proposed protected person or protected person.
2. Rules outlining the duties of a guardian ad litem for a proposed protected person or protected person.
3. Procedures or rules to require mediation in all contested guardianships proceedings.
4. Rules to evaluate Court supervision of guardianships including training, staffing, scheduling, and caseload limits.
5. Rules to designate training and caseloads for professional guardians, both private and public.
6. Uniform statewide rules and forms for the processing of guardianship proceedings in all Nevada District Courts.
7. Rules requiring a court to make specific findings if the court does not order a bond or blocked account.
8. Rules regarding NRS 159.057, which would require 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.
9. Development of a uniform Guardianship information sheet to be used by all Nevada District Courts pursuant to NRS 3.275.

10. Performance measures to be used by district courts that include age of pending case, time to disposition, and clearance rates for guardianship cases.

11. Rules for the qualifications of non-attorney guardian ad litem or advocate.

12. Rules outlining the initial plan for guardianship, which include,

a. offering recommendations concerning the fee structure to compensate guardians and others they hire.

b. making recommendations concerning the process, notice, and findings required for the approval of fees to guardians and others they hire.

c. making recommendations concerning the process, timing, notice, and findings the Court must make concerning accountings of the protected person's estate.

13. Modifications to the Judicial Code, as necessary, to accommodate the judge's ability to address ex parte communications that deal with the welfare of the protected person.

WHEREAS, this court has determined that the recommendations of the Guardianship Commission are appropriate; accordingly,

IT IS HEREBY ORDERED that a permanent Guardianship Commission be created by September 20, 2017, to study and make recommendations in the areas enumerated above, providing a report to the Court by January 31, 2018.

IT IS FURTHER ORDERED that the Supreme Court will appoint up to 15 members to serve on the permanent Guardianship Commission. In furtherance of the appointments, the Supreme Court

solicits those persons interested in serving on the permanent Commission to submit letters of interest to the Clerk of the Nevada Supreme Court by 4:00 p.m. on September 6, 2017.

Dated this 2nd day of August, 2017

Cherry, C.J.
Cherry

Douglas, J.
Douglas

Gibbons, J.
Gibbons

Pickering, J.
Pickering

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

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