

2018 WINGS Summit
Minneapolis, Minnesota

January 26, 2018

Report to Grantor

Findings and Recommendations

SDMA Survey Results

Case Status Report



SECOND JUDICIAL DISTRICT COURT
STATE OF NEVADA
WASHOE COUNTY

FRANCES M. DOHERTY
DISTRICT JUDGE
DEPARTMENT TWELVE
FAMILY DIVISION

PHYSICAL: ONE SOUTH SIERRA
MAILING: 75 COURT STREET
RENO, NEVADA 89501
(775) 328-3470
FAX: (775) 328-3475

December 15, 2017

Morgan Whitlach
Legal Director, Quality Trust for Individuals with Disabilities
Lead Project Director, NRC-SDM
4301 Connecticut Avenue, NW
Washington, DC 20008

Dear Ms. Whitlach:

Please consider this letter and the attachments hereto as our Recipient Report to Sponsor for the National Resource Center for Supported Decision-Making Subaward Agreement for the period of December 1, 2016 to November 30, 2017.

Most notably, this report summarizes the primary Findings and Recommendations¹ of the Nevada Supported Decision-Making Stakeholders, who worked through the year to advise and further the intent of the sub-grant in Nevada. As you will note, as a result of our work related to the grant, Nevada Stakeholders have made the following Recommendations with respect to Supported Decision-Making:

- I. Nevada incorporate use of Supported Decision-Making, intended to preserve full or partial self-determination of people with disabilities, into Nevada practice and utilization and advance its general acceptance.
- II. Nevada law incorporate recommendations of the National Resource Center for Supported Decision-Making (NRC-SDM), the National Guardianship Association, the Uniform Commission on Laws, the American Bar Association, the United States Department of Health and Human Services and others, that alternatives to guardianship, including Supported Decision-Making, be identified and considered whenever possible prior to the commencement of guardianship proceedings.
- III. Nevada law recognize Supported Decision-Making arrangements may be operationalized through individualized agreements, without required words, protocols or forms and may be incorporated into a power of attorney, advance directive, educational, medical, therapeutic or vocational plans and other agreements.

¹ Attachment 1

- IV. Nevada Legislature adopt law(s) incorporating Recommendations *I* through *III* to recognize, promote, advance, and affirm the use of Supported Decision-Making as an alternative to surrogate decision making arrangements such as guardianships.

These recommendations are a result of substantial outreach, education and research – the specifics of which are outlined in the “Findings and Recommendations” in Attachment 1.

Restatement of Goals:

1. Engage Potential Users:

The grant sought to develop and implement a statewide educational outreach initiative to engage persons who may need assistance and their supporters in a conversation on person centered planning and alternatives to guardianship, including supported decision-making.

Outcome:

As noted in that attached findings, we engaged with 463 Nevadans at locations throughout the state. We met with persons who had guardianships, whose families were contemplating guardianships and with lawyers, judges, educators, medical personnel and advocates who were interested in learning about supported decision-making as an alternative to guardianship. We traveled to rural and urban jurisdictions, hospitals, courts and a variety of forums to share information, listen to feedback and begin the conversation on supported decision-making in Nevada.

Concerns about protecting potentially supported persons from potential abuse or exploitation was the subject of discussion in two meetings in Reno, Nevada and one in Elko, Nevada. The discussion centered on how the state could protect persons from being taken advantage of by their supporters, the overwhelming majority of whom would be other family members. A rich exchange of ideas occurred over the course of the grant on this topic. A consensus view formed around recognition that people with disabilities may be victimized, as have persons who do not have disabilities. Recognition was given to the reality that victimization has occurred under some existing guardianships, powers of attorney, shared bank accounts and in other scenarios. The challenge for advocates in every arena is to ensure the rights vulnerable persons are protected without imposing limitations on such individuals’ rights to enter into agreements that support their independence when such restrictions are not imposed on other members of the population. The additional challenge is to ensure law enforcement and prosecutors have sufficient education and resources to address the scourge of crimes against vulnerable persons in the same manner and to the same degree, as such, support exists in other areas of criminal enforcement.

As a complement to outreach efforts, we developed a Supported Decision-Making Survey that was provided at every educational outreach presentation and made available on the Second Judicial District Court's website at washoecourts.com to allow feedback on the interests and concerns about supported decision-making. The results of the Survey and the Survey itself are in the attached Findings and Recommendations. The overwhelming response to the survey is a desire to have supported decision-making as an available option in the State of Nevada.

2. Effectuate Acceptance of Supported Decision-Making Agreements:
The grant sought to develop formalized supported decision-making agreements in Nevada based on community input and recommendations. The grant contemplated potential legislative recognition while nonetheless concluding that private parties have the ability to enter supported decision-making agreements under existing law.

Outcome:

As the four recommendations reflect above, after a year of research, discussion and outreach, the Stakeholders overwhelmingly concluded that supported decision-making agreements are 1) currently available for health care and end of life decision-making in existing Nevada law² and, 2) private parties may enter supported decision-making agreements without the necessity of any statutorily authorizing language. However, Stakeholders further concluded that *recognition* of supported decision-making agreements by others, especially banks, schools and other institutions was problematic and statutory recognition of the same would further access to and effective use of supported decision-making .

3. Expand Access to and Utilization of Supported Decision-Making Agreements
The grant sought to develop and make available publications about supported decision-making.

Outcome:

The Grantee obtained permission from the American Bar Association and the American Civil Liberties Union to distribute their respective handbooks on supported decision-making: *The American Bar Associations Practical Tool for Lawyers: Steps in Supporting Decision-Making* and *How to Make a Supported Decision-Making Agreement*. Such tools were made available to each attendee of the educational outreach programs. The Grantee modified its website to include such tools and an abundance of material, samples and information on supported decision-making and related topics. The Grantee issued press releases on each of its outreach activities and worked with partners including the Administrative Offices of the Nevada Supreme Court, the State Bar of Nevada, the Clark County Bar Association and the Washoe County Bar Association to publicize events.

² NRS162A.865

Lessons Learned:

1. At the conclusion of the grant period, the Grantee more fully understands the importance of engaging a cross-section of people in a topic that may initially be considered a matter of law. More specifically, the invaluable contributions to the rich discussion of lawyers, judges and advocates were matched, if not exceeded in significance, by families and persons with disabilities anxious to learn about alternatives to guardianships and how their family members could take advantage of supported decision-making agreements. The family unit in this country is still the driving force of all matters directly affecting the priorities of their lives. While Grantee made several presentations directly to family members, had additional time and resources existed, more targeted outreach and education to families would have been beneficial.
2. There appears to be a sociological or societal gap between understanding and maximizing the independence of adults between the ages of 18 and 59 with disabilities and applying similar goals for independence towards the aged population suffering from dementia. Because the latter populations suffers from a degenerative disease with expectation of further impairment, supported decision-making agreements generated less enthusiasm for utilization as an alternative to guardianship. Further research and discussion on such point is merited to address the value of utilizing supported decision-making in the earlier stages of degenerative diseases as a method of maximizing and extending life decision-making opportunities.
3. A paradigm shifting initiative such as advancing Supported Decision-Making, requires substantial time and commitment. While such was afforded by the Grantee, time and resources remained substantially lacking to achieve all desired outcomes.
4. Several Stakeholders substantially changed their positions of support for the initiative from the outset of the grant period until the end. It is well worth the investment of time to keep all stakeholders invested in an initiative such as this, regardless of their support or opposition, as the progressive experience of the yearlong initiative allows for sufficient time and conversational exchange to bring differing views into closer alignment.
5. Supported Decision-Making is already occurring in the homes of innumerable families. States need to develop better education and support to assist such families continue to maintain the independence of family members with disabilities.

Continuation:

The Supported Decision-Making initiative has ignited in Nevada. Much of the legal and medical communities as well as advocates, mental health providers and Nevada families have a broader understanding of and inclination towards considering Supported Decision-

Making as an alternative to guardianship. The initiative will continue with the involvement of the Grantee and others. The Grantee is continuing efforts with the local school district to incorporate Supported Decision-Making into protocols for students with IEP's turning 18; three meetings with various groups on such topic are being arranged. Grantee continues to receive requests for presentations, including in Minneapolis/St. Paul to speak to the topic of furthering the initiative. Statewide, the Nevada Supreme Court through Justice James Hardesty continues to lead the Nevada Permanent Guardianship Commission in which Supported Decision-Making is expected to continue to be addressed.

Replication:

Grantee encourages statewide conversations about Supported Decision-Making continue under the leadership of statewide judicial or legislative commissions, WINGS organizations, bar associations and family advocacy groups. The work of the grant was not difficult but the value of community conversation was invaluable.

Final Budget:

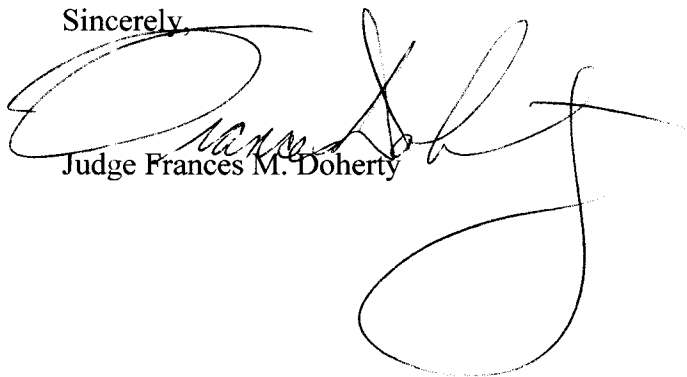
Attachment 2 is Grantee's final budget for the program and supporting documents.

Final Products:

Attachment 3 -
Supported Decision-Making Brochure
Event Flyers
Press Releases and News Flashes

Thank you for this rich opportunity, which has created new conversations in the State of Nevada, and enriched existing discussions.

Sincerely,



Judge Frances M. Doherty

SDMA Questionnaire

1. What is your interest in Supported Decision Making?

- I am interested in SDMA for myself
- I am interested in SDMA for another person

2. Details about your contact:

Date of Contact:

Zipcode:

Your Personal Information:

First Name: *(optional)*

Last Name: *(optional)*

Email *(optional)*:

Date of Birth:

3. Already familiar with Supported Decision Making:

- Y N

4. Interested in Being Supporter:

- Y N Not Sure

5. Received Training on Supported Decision Making:

- Y N

6. How did you find out about SDMAs? *(select one)*:

- Healthcare Provider
- Teacher
- Friend/Family
- Attorney
- Hospital
- School District
- Care Facility
- Group Home
- Private Guardian
- Caseworker
- Social Worker
- Other (please identify): _____

7. Relationship of Contact to Supported Person *(select one):*

- Self
- Parent
- Sibling
- Spouse
- Grandparent
- Child
- Other Relative
- Friend
- Caretaker
- Agency Representative
- Other (please identify): _____

8. Living Arrangement of Supported Person at the time of Contact *(select one):*

- Lives with Family
- Lives in a Group Home
- Lives in Assisted Living
- Lives in Residential Care
- Lives in Acute Care
- Lives in Locked Facility
- Lives Independently With Assistance
- Lives Independently Without Assistance
- Other (please identify)_____

9. Is there a Current Guardianship Case:

- Y N Not Sure

10. Is Guardianship being considered:

- Y N

11. Is there an Alternative to Guardianship in Place:

Y N Not Sure

(if yes, please identify): Power of Attorney Advance Directive Representative Payee

Trust Shared Bank Accounts Care Assistance from Family or Friends

Care Assistance from Local Agencies Supported Decision-Making

The following three questions only apply to individuals interested in SDMA for his/her self

12. Does this adult receive any of the following:

If none of the choices apply, leave all of the checkboxes blank. Check all that apply.

Medicaid

SSI

SNAP

TANF

13. What is the yearly income of the adult who would use the Supported Decision Making Agreement:

Do not include income of other household members.

0-\$11,880 \$11,881-17,820 \$17,821-23,670 above \$23,670

14. Excluding your home and your vehicle, do you have assets (including savings) totaling *LESS* than \$10,000

Y N

15. Was the information you received about Supported Decision-Making Helpful?

Y N

16. Would you like to see Supported Decision-Making available in Nevada as an alternative to guardianship?

Y N

Supported decision-making is a way to provide adults with disabilities help in making life choices, both big and small.

Unlike a traditional guardianship, conservatorship, or power of attorney, the person makes the final decision.

There is no “one size fits all” for supported decision-making. Supporters help the adult making a decision in a variety of ways, such as providing advice, gathering information, and helping to communicate the decision.

Second Judicial District Court of Nevada, Family Division
1 South Sierra Street, 3rd Floor, Reno, NV 89501

Supported Decision-Making

An introduction to helping individuals toward independence and responsibility through choice.





Putting Supported Decision-Making into Action

You are probably using supported decision-making already! Most of us, whether or not we have a disability, seek advice about major life decisions from those we trust and weigh the pros and cons of a decision.

Identifying Areas of Support

An adult with an intellectual or developmental disability might need help making some decisions but not others. A useful exercise is to think about a recent choice: what was the decision? Who made it? How did the person arrive at the ultimate decision and why?

Supported decision-making does not necessarily have to be in writing. However, it is important to make sure that everyone, from the supported adult, the supporter, trusted family, friends, case workers, etc. understand the agreement. In some instances, such as obtaining medical and education records, the supported adult will need to sign an authorization allowing the supporter access to these records.

Not All Decisions Have to be the Best Decision

No one is perfect, and sometimes people make unwise decisions. It is important to remember that the supporter cannot make the decision for the supported adult. Supporters are there to help the person understand information that might be relevant to a decision and think about possible consequences. Remember: we can learn from our mistakes! Supporters are not liable for the choices made by the supported adult.

“Decision-making is fundamental to our self-determination and dignity, no matter how big or small a decision.”

Elaine Brown, PhD, FAAIDD Chief Psychologist,
Nevada Department of Health and Human Services,
Aging and Disabilities Services Division Services,
Sierra Regional Center

If you have concerns that an adult with a disability is being exploited, abused, or neglected, report your concerns to local law enforcement or Adult Social Services.

Start Supporting Now!

Think about the supports we use every day:

- Reminders about important appointments, dates, and times
- Information explained in a way that is easier to understand
- Talking about the pros and cons of a decision with people we trust
- Bringing someone with us to important appointments
- Making decisions about money
- Having a supportive power of attorney or representative payee if it is a challenge to budget and pay bills on time.

Contact Us

www.washoecourts.com

AdultGuardianship@washoecourts.us

(775) 328-3164

*This material is helped made possible by the National Resource Center for Supported Decision-Making and Association for Community Living

SUPPORTED DECISION-MAKING COMMUNITY EVENTS CALENDAR, JULY 2017

DATE	City	TIME	Location
July 17, 2017	Carson City	9:00 a.m.	Rural Regional Center, 1665 Old Hot Springs Rd, Ste 165, Carson City, NV 89706
July 17, 2017	Carson City	1:30 p.m.	Carson City Senior Center, 911 Beverly Dr, Carson City, NV 89706
July 17, 2017	Carson City	3:30 p.m.	Carson Tahoe Regional Medical Center, Bristlecone Room, 1600 Medical Parkway, Carson City, NV 89703
July 18, 2017	Winnemucca	11:00 a.m.	Humboldt County Library, 85 E. Fifth St., Winnemucca, NV 89455
July 18, 2017	Winnemucca	3:00 p.m.	Rural Regional Center, 475 W. Haskell St., Winnemucca, NV 89445
July 19, 2017	Elko	10:00 a.m.	Great Basin College, High Tech Center (HTC) #123, 1500 College Parkway, Elko, NV 89801
July 19, 2017	Elko	1:00 p.m.	Elko County Courthouse, Commissioners' Meeting Room, 540 Court St., Elko, NV 89801
July 20, 2017	Ely	3:00 p.m.	White Pine County Library, 950 Campton St., Ely, NV 89301



Contact: 775-328-3164/ AdultGuardianship@washoecourts.us for more information

*These programs are helped made possible by the National Resource Center for Supported Decision-Making and Association for Community Living

Are You or a Loved One Looking for Alternatives to Guardianship?



Supported Decision-Making in Nevada: Helping Adults toward Independence and Responsibility through Choice

Join us for a conversation on a new alternative to guardianship

DATE: July 18, 2017

TIME: 11:00 a.m.

LOCATION: Humboldt County Library, 85 E. Fifth Street, Winnemucca, NV 89455

Contact Mallory Nelson at mallory.nelson@washocourts.us (775) 328-3164 to find out how you can get involved.

Are You or a Loved One Looking for Alternatives to Guardianship?



Supported Decision-Making in Nevada: Helping Adults toward Independence and Responsibility through Choice

Join us for a conversation on a new alternative to guardianship

DATE: July 17, 2017

TIME: 1:30 p.m.

LOCATION: Carson City Senior Center (Nevada Room), 911 Beverly Dr., Carson City, NV 89706

Contact Mallory Nelson at mallory.nelson@washocourts.us (775) 328-3164 to find out how you can get involved.

Are You or a Loved One Looking for Alternatives to Guardianship?



Supported Decision-Making in Nevada: Helping Adults toward Independence and Responsibility through Choice

Join us for a conversation on a new alternative to guardianship

DATE: July 19, 2017

TIME: 10:00 a.m.

LOCATION: Great Basin College, High Tech Center (HTC)
#123, 1500 College Parkway, Elko, NV 89801

Contact Mallory Nelson at mallory.nelson@washocourts.us
(775) 328-3164 to find out how you can get involved.

Are You or a Loved One Looking for Alternatives to Guardianship?



Supported Decision-Making in Nevada: Helping Adults toward Independence and Responsibility through Choice

Join us for a conversation on a new alternative to guardianship

DATE: July 17, 2017

TIME: 3:30 p.m.

LOCATION: Carson Tahoe Regional Medical Center-
Bristlecone Room, 1600 Medical Pkwy., Carson City, NV 89703

Contact Mallory Nelson at mallory.nelson@washocourts.us
(775) 328-3164 to find out how you can get involved.

Are You or a Loved One Looking for Alternatives to Guardianship?



Supported Decision-Making in Nevada: Helping Adults toward Independence and Responsibility through Choice

Join us for a conversation on a new alternative to guardianship

DATE: July 18, 2017

TIME: 3:00 p.m.

LOCATION: Winnemucca Rural Regional Center, 475 W. Haskell Street, Winnemucca, NV 89455

Contact Mallory Nelson at mallory.nelson@washocourts.us (775) 328-3164 to find out how you can get involved.

Are You or a Loved One Looking for Alternatives to Guardianship?



Supported Decision-Making in Nevada: Helping Adults toward Independence and Responsibility through Choice

Join us for a conversation on a new alternative to guardianship

DATE: July 20, 2017

TIME: 3:00 p.m.

LOCATION: White Pine County Library, 950 Campton Street, Ely, NV 89301

Contact Mallory Nelson at mallory.nelson@washocourts.us (775) 328-3164 to find out how you can get involved.

Are You or a Loved One Looking for Alternatives to Guardianship?



Supported Decision-Making in Nevada: Helping Adults toward Independence and Responsibility through Choice

Join us for a conversation on a new alternative to guardianship

DATE: July 17, 2017

TIME: 9:00 a.m.

LOCATION: Rural Regional Center, 1665 Old Hot Springs Road, Suite 165, Carson City, NV 89706

Contact Mallory Nelson at mallory.nelson@washocourts.us (775) 328-3164 to find out how you can get involved.



SECOND JUDICIAL DISTRICT COURT
STATE OF NEVADA
WASHOE COUNTY

FRANCES M. DOHERTY
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RENO, NEVADA 89501
(775) 328-3470
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**Supported Decision-Making Findings
and Stakeholder Recommendations**

December 15, 2017

FINDINGS

1. The Second Judicial District Court (Grantee) received a Supported Decision-Making (SDM) grant from the National Resource Center for Supported Decision Making (NRC-SDM) in the amount of \$4000, which extended from December 1, 2016 through December 15, 2017. The grant had the participation and support of 16 original stakeholders which has expanded with varying degrees of participation to 40 stakeholders over the course of the grant year.¹
2. The Grantee utilized the NRC-SDM grant to conduct 29 educational outreach presentations statewide, including two 3-hour CLE presentations broadcasted statewide on November 28, 2017. A total of 463 persons participated in grant supported educational outreach presentations throughout the course of the grant year.²
3. Supported Decision-Making is a national and international movement originating in Canada in the 1980's and advanced by the 2006 passage of the United Nations Convention on the Rights of Persons with Disabilities.³ Since such passage, jurisdictions throughout the United States and world have advanced formal and informal protocols to expand accessibility of Supported Decision-Making for persons with disabilities.



Copy of
Stakeholder Names



Date of
Presentations and A

³ <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>

4. The Grantee, with the support and involvement of its Stakeholders, developed a Supported Decision-Making Survey completed by 108 interested persons throughout the grant year.⁴ Notable results of the survey indicate the following:
- 17% of those surveyed are interested in SDM for themselves; 83% of those surveyed are interested in SDM for another.
 - 50.48% of those surveyed are familiar with SDM; 49.52% of those surveyed had no previous familiarity with SDM.
 - 58.25% of those surveyed are interested in being a supporter; 7.77% are not interested; 33.98% are unsure.
 - 47% of those surveyed had received training on SDM; 53% had not received training on SDM.
 - 14.29% of those surveyed are potential supported persons; 24.49% are parents of potential supported persons; 21.43% are agency representatives and 29.59% are in other categories.
 - 40% of potentially supported persons live with their family; 11.76% of potentially supported persons live independently without assistance; 11.76% live independently with assistance; 8.24% live in a group home; 3.53% live in residential care and 1.18% live in assisted living.
 - 30.53% of those surveyed indicated a guardianship case is already in place; 51.59% indicated no guardianship case is in place and 17.89% did not know if a guardianship case is in place.
 - 32.58% of those surveyed indicated a guardianship was being considered at the time of the survey; 67.42% indicated a guardianship was not being considered.
 - 100% of those surveyed found the information received about SDM helpful.
 - 97.92% of those responding (96 responders) would like to see SDM available as an alternative to guardianship in Nevada. 2.08% (2 responders) would not.
5. Supported Decision-Making benefits persons with disabilities or elder adults who are able to understand and communicate their preferences in personal affairs with assistance and support from trusted third persons, without loss of their self-determination.



6. Supported Decision-Making may serve as a least restrictive action and in the best interests of protected or proposed protected persons in guardianship actions who are able to understand and communicate their preferences in some or all of their personal affairs with assistance from trusted third persons without impeding their self-determination, consistent with the provisions of Senate Bill 433 sec. 22.⁵
7. The State of Nevada has already incorporated Supported Decision-Making protocols into its Durable Power of Attorney for Health Care and End of Life Decisions for persons with intellectual disabilities at NRS 162A.865.
8. Supported Decision-Making is already an informal tool used by families, case managers and advocates supporting persons with disabilities or elder adults who are able to understand and communicate their preferences.
9. Current use of Supported Decision-Making is not limited to a specified document, set of words or protocols. Supported Decision-Making agreements may be verbal or written, entered into between a person with disabilities or elder adults who are able to understand and communicate their preferences and a trusted third party, without loss of their self-determination.
10. Supported Decision-Making protocols may be incorporated into existing formally executed legal documents such as powers of attorney, health care and end of life advance directives, case management and person centered service plans, and educational, vocational, and medical supports.⁶
11. Supported Decision-Making is not a substitute for guardianship for persons who meet the definition of “incapacity” under NRS 159 by clear and convincing evidence and for whom special or full guardianship may be in their best interests when they cannot understand or communicate their preferences with assistance, in some or all of their primary personal affairs.
12. Supported Decision-Making is not generally familiar to public institutions including but not limited to financial, educational, and medical institutions.

⁵ SB 433 Sec. 22: A guardian ad litem appointed pursuant to this section is an officer of the court and is not a party to the case. A guardian ad litem appointed pursuant to this section shall not offer legal advice to the protected person or proposed protected person but shall: (a) Advocate for the best interests of the protected person or proposed protected person in a manner that will enable the court to determine the action that will be the least restrictive and in the best interests of the protected person or proposed protected person[.]

⁶ Power of Attorney sample language: “It is my and my agent’s intent that we will work together to implement this Power of Attorney. That means that I should retain as much control over my life and make my own decisions, with my agents support, to the maximum of my abilities. I am giving my agent the power to make certain decisions on my behalf, but my agent agrees to give primary consideration to my express wishes in the way she makes those decisions.” Jonathan Martinis, November 28, 2017 presentation; <https://www.washoecourts.com/index.cfm?page=adulthoodguardianship>. Materials, page 104.

13. Supported Decision-Making is endorsed by the following:

- a. American Bar Association⁷
- b. Uniform Commission on Laws⁸
- c. National Guardianship Association⁹
- d. United States Department of Health and Human Services
- e. National Alliance on Mental Illness
- f. Autistic Self Advocacy Network
- g. The Arc-For people with intellectual and developmental disabilities.

RECOMMENDATIONS

The overwhelming majority of stakeholders in the Second Judicial District Court SDM grant make the following recommendations:

- I. Nevada incorporate use of Supported Decision-Making, *intended to preserve full or partial self-determination of people with disabilities*, into Nevada practice and utilization and advance its general acceptance.
- II. Nevada law incorporate recommendations of the *National Resource Center for Supported Decision Making (NRC-SDM)*, the *National Guardianship Association*, the *Uniform Commission on Laws*, the *American Bar Association*, the *Department of Health and Human Services* and that other alternatives to guardianship, including Supported Decision-Making, be identified and considered whenever possible prior to the commencement of guardianship proceedings.
- III. Nevada law recognize Supported Decision-Making arrangements may be operationalized through individualized agreements, without required words, protocols or forms and may be incorporated into a power of attorney, advanced directive, educational, medical, therapeutic or vocational plans and other agreements.

⁷ https://www.americanbar.org/groups/law_aging/publications/bifocal/vol_38/issue-6--august-2017-/aba-urges-supported-decision-making-as-less-restrictive-alternat.html

⁸ http://www.uniformlaws.org/shared/docs/Guard-ianship%20and%20Protective%20Proceedings/2017AM_UGCOPPA_AsApproved.pdf
<http://uniformlaws.org/Act.aspx?title=Guardianship,%20Conservatorship,%20and%20Other%20Protective%20Arrangements%20Act>
<http://www.uniformlaws.org/Act.aspx?title=Adult%20Guardianship%20and%20Protective%20Proceedings%20Jurisdiction%20Act>

⁹ http://www.uniformlaws.org/shared/docs/adult_guardianship/UAGPPJA_2011_Final%20Act_2015feb4.pdf

^f
⁹ “Supported decision making should be considered for the person before guardianship, and the supported decision-making process should be incorporated as a part of the guardianship if guardianship is necessary. Supported decision making has been described as occurring when an individual with cognitive challenges is the ultimate decision maker but is provided support from one or more persons who explain issues to the individual and, where necessary, interpret the individual’s words and behavior to determine his or her goals and preferences.” <https://www.guardianship.org/wp-content/uploads/2017/07/SDM-Position-Statement-9-20-17.pdf>

- IV. Nevada Legislature adopt law(s) incorporating Recommendations I through III to recognize, promote, advance, and affirm the use of Supported Decision-Making as an alternative to surrogate decision making arrangements such as guardianships.

<u>NAME</u>	<u>ENTITY</u>
Barbara Buckley	Legal Aid Center of Southern Nevada
Bonnie Walker	Guardianship Services of Nevada
Carissa Harding	Nevada Disability Advocacy and Law Center
Catherine Neilsen	Nevada Department of Health and Human Services
Christine Miller	Legal Aid Center of Southern Nevada
Dan Dinnell	Nevada Department of Health and Human Services
Dan Gunnarson	Rural Regional Center
Susan DeBoer	Washoe County Public Guardian
Frances Doherty	Judge - Second Judicial District Court - Dept. 12
Dr. John Yacenda	Dreams Foundation Inc.
Dr. Elaine Brown	Sierra Regional Center
	Nevada Governor's Council on Developmental Disabilities NOTE: (voting in her private capacity as the parent of a child with I/DD and NOT as an employee)
Ellen Marquez	Private Attorney/Nevada Supreme Court Guardianship Commission
	Member
Hank Cavallera	State of Nevada - Aging and Disability Services Division
Homa Woodrum	Legal Aid Center of Southern Nevada
James Berchtold	Nevada Disability Advocacy and Law Center
Jack Mayes	Director Washoe Legal Services
James Conway	Private Attorney
John Smith	Nevada Supreme Court Justice/Leader NV Sup. Court Guardianship Commission
Justice James Hardest	Commission
Karen Beckerbauer	Department of Social Services
Kari Horn	Nevada Governor's Council on Developmental Disabilities
Kate McCloskey	Sierra Regional Center
Lavonne Brooks	High Sierra Industries
Lynne Bigley	Nevada Disability Advocacy and Law Center
Mary Bryant	University of Nevada, Reno
Michael Keane	Private Attorney
Michial Nolan	Norther Nevada Adult Mental Health Services
Mallory Nelson	Second Judicial District Court - Guardianship Case Compliance Specialist
Phillip Jones	Rural Regional Center
Rana Goodman	The Vegas Voice - Journalist
Raquel Lopez	Desert Regional Center
Ruth Simonis	Nevada Department of Veterans Services - State of Nevada
Ryan Earl	Private Attorney
	Executive Director, Nevada Governor's Council on Developmental
Sherry Manning	Disabilities
Stan Brown	Private Attorney
Stephanie McDonald	Legal Aid Center of Southern Nevada

Terri Russell KOLO 8 News Reno Journalist
Susan Weyl Washoe County Public Guardian
William Hammagren Rural Regional Center

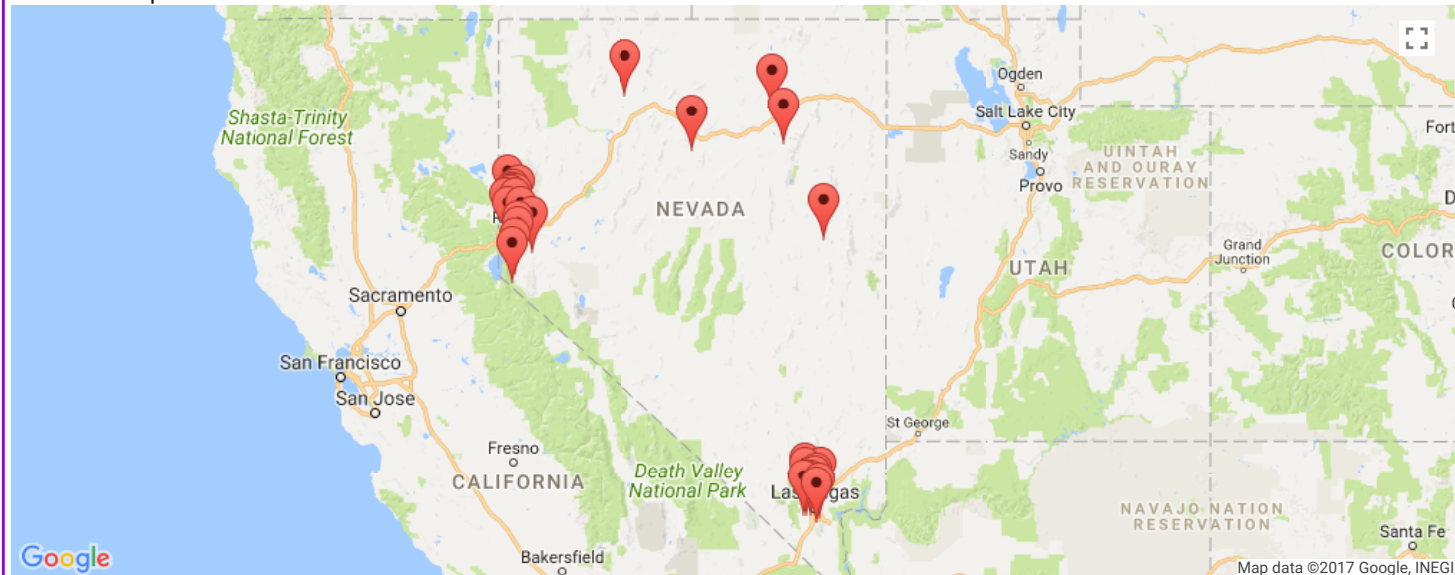
Date	Presentation	Number of Attendees
March 2, 2017	Family Law Judicial Conference, Bishop, CA	50
April 11, 2017	Washoe County Guardianship Bench Bar, Reno	19
July 17, 2017	Rural Regional Center, Carson City	22
July 17, 2017	Carson City Senior Center	9
July 17, 2017	Carson Tahoe Medical Center	3
July 18, 2017	Humboldt County Library (Winnemucca)	5
July 18, 2017	Humboldt County Senior Center (Winnemucca)	10
July 18, 2017	Humboldt County Rural Regional Center	6
July 19, 2017	Great Basin Community College, Elko	6
July 19, 2017	Elko County Courthouse	9
July 20, 2017	White Pine County Library, Ely	1
September 25, 2017	School Board Trustee Katy Simons-Holland	1
September 29, 2017	Washoe County School District – Special Education Unit attorneys Neil Lombardo and Sara Almo	2
September 27, 2017	PACE Conference “Let’s Pick Up the PACE Nevada,” Reno	70 conference registrants
September 29, 2017	Truckee Meadows Community College (Sierra Regional Center), Reno	41
October 5, 2017	Down Syndrome Network of Northern Nevada, Reno	11
October 6, 2017	United Cerebral Palsy, Reno	42
November 13, 2017	Permanent Guardianship Commission, Carson City	23
November 13, 2017	NAMI Board of Directors, Carson City	7
November 15, 2017	Northern Nevada Mental Health, Reno	23
November 18, 2017	University of Nevada-Reno Partners Leadership Program	22
November 28, 2017	University of NV, Cooperative Extension (“UNCE”), Las Vegas	28
November 28, 2017	UNCE, Washoe County (Reno)	46
November 28, 2017	UNCE, Carson City	3
November 28, 2017	UNCE, Elko County	1
November 28, 2017	UNCE, Lyon County (Yerington)	1

November 28, 2017	UNCE, Churchill County	1
November 28, 2017	UNCE, Humboldt County	0
December 14, 2017	Washoe County School District Chief Student Services Officer, Dr. Byron Green, and Dr. David Friedman	1

TOTAL ATTENDEES

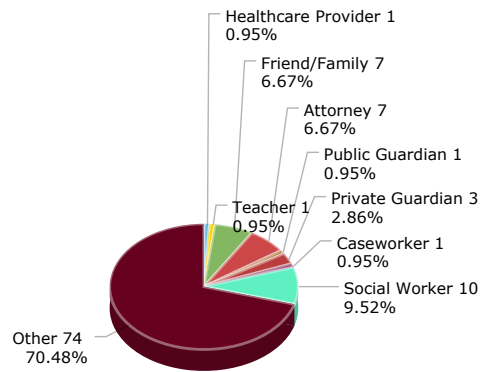
463

SDMA Survey Results as of Wednesday, December 6, 2017 3:24:51 PM PST

Total Survey Responses Received: 108**1. What is your interest in Supported Decision Making Agreement?** Out of **100** total responses.For Self: **17 (17.00%)**For Another Person: **83 (83.00%)****2. Details about your contact and personal information: (geographical location of people surveyed, and age of people surveyed)** Out of **92** total responses.Detailed information from this map is included at the end of this report. [Click Here](#) for a detailed summary of this Geographical Data**Age brackets of people surveyed** Out of **64** total responses.Under 18: **1 (1.56%)**18-24: **5 (7.81%)**25-34: **12 (18.75%)**35-44: **16 (25.00%)**45-54: **12 (18.75%)**55-64: **11 (17.19%)**65 Or Older: **8 (12.50%)***Age is calculated at time of the original survey submission. These numbers do not reflect a person's current age.***3. Already familiar with Supported Decision Making Agreement?** Out of **105** total responses.Yes: **53 (50.48%)**No: **52 (49.52%)****4. Interested in Being Supporter?** Out of **103** total responses.Yes: **60 (58.25%)**No: **8 (7.77%)**Not sure: **35 (33.98%)****5. Received Training on Supported Decision Making Agreement?** Out of **100** total responses.Yes: **47 (47.00%)**No: **53 (53.00%)**

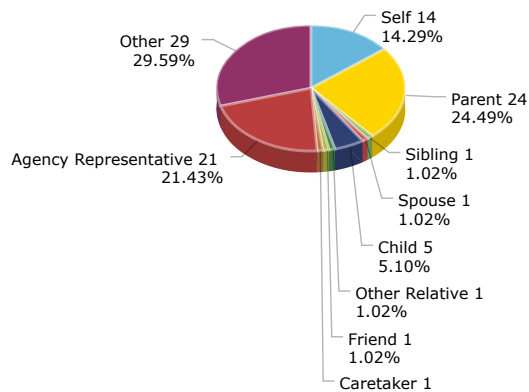
6. How did you find out about SDMA's? Out of **105** total responses.

Healthcare Provider: **1 (0.95%)**
 Teacher: **1 (0.95%)**
 Friend/Family: **7 (6.67%)**
 Attorney: **7 (6.67%)**
 Hospital: **0 (0.00%)**
 School District: **0 (0.00%)**
 Care Facility: **0 (0.00%)**
 Group Home: **0 (0.00%)**
 Public Guardian: **1 (0.95%)**
 Private Guardian: **3 (2.86%)**
 Caseworker: **1 (0.95%)**
 Social Worker: **10 (9.52%)**
 Other: **74 (70.48%)**



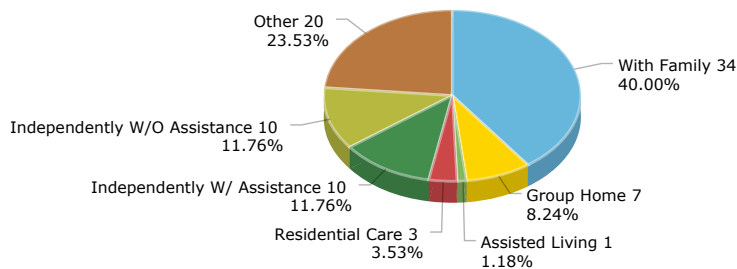
7. Relationship of Contact to Supported Person? Out of **98** total responses.

Self: **14 (14.29%)**
 Parent: **24 (24.49%)**
 Sibling: **1 (1.02%)**
 Spouse: **1 (1.02%)**
 Grandparent: **0 (0.00%)**
 Child: **5 (5.10%)**
 Other Relative: **1 (1.02%)**
 Friend: **1 (1.02%)**
 Caretaker: **1 (1.02%)**
 Agency Representative: **21 (21.43%)**
 Other: **29 (29.59%)**



8. Living Arrangement of Supported Person at the time of Contact? Out of **85** total responses.

With Family: **34 (40.00%)**
 Group Home: **7 (8.24%)**
 Assisted Living: **1 (1.18%)**
 Residential Care: **3 (3.53%)**
 Acute Care: **0 (0.00%)**
 Locked Facility: **0 (0.00%)**
 Independently W/ Assistance: **10 (11.76%)**
 Independently W/O Assistance: **10 (11.76%)**
 Other: **20 (23.53%)**



9. Is there a Current Guardianship Case? Out of **95** total responses.

Yes: **29 (30.53%)**
 No: **49 (51.58%)**
 Not sure: **17 (17.89%)**

10. Is Guardianship being considered? Out of **89** total responses.

Yes: **29 (32.58%)**
 No: **60 (67.42%)**

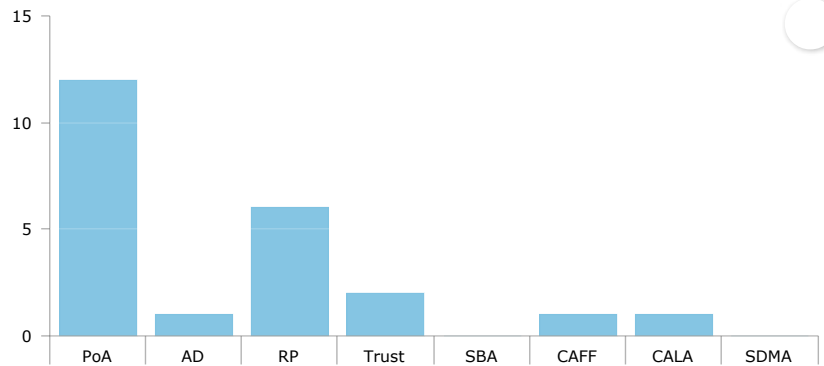
11. Is there an Alternative to Guardianship in Place? Out of **92** total responses.

Out of **25** Yes Responses.

Yes: **25 (27.17%)**
 No: **37 (40.22%)**
 Not sure: **30 (32.61%)**

Out of 25 Yes Responses:

Power of Attorney(PoA): **12 (48.00%)**
 Advance Directive(AD): **1 (4.00%)**
 Representative Payee(RP): **6 (24.00%)**
 Trust: **2 (8.00%)**
 Shared Bank Accounts(SBA): **0 (0.00%)**
 Care Assistance from Family or Friends(CAFF): **1 (4.00%)**
 Care Assistance from Local Agencies(CALA): **1 (4.00%)**
 Supported Decision-Making Agreement(SDMA): **0 (0.00%)**



Total Responses for Self: 17

Questions 12, 13, and 14 only apply to individuals who filled this form out for his/her self and not for another person.

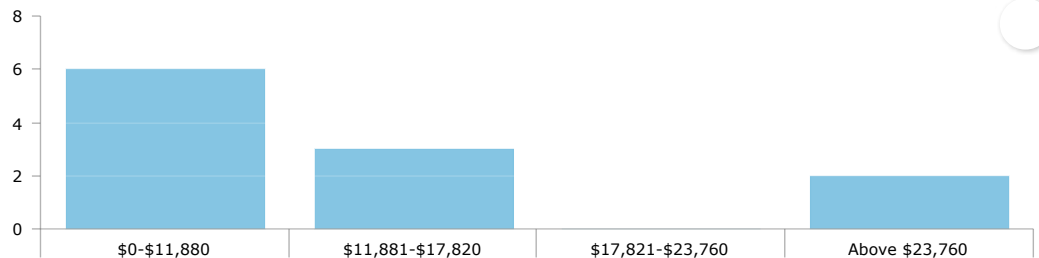
12. Does this adult receive any of the following? Out of **17** total responses.

Medicaid: **7 (41.18%)**
 SSI: **8 (47.06%)**
 SNAP: **3 (17.65%)**
 TANF: **0 (0.00%)**
(Percentages will NOT total 100% as this question allows multiple answers and is not required)

13. What is the yearly income of the adult who would use the Supported Decision Making Agreement?

Does not include income of other household members. Out of **11** total responses.

\$0-\$11,880: **6 (54.55%)**
 \$11,881-\$17,820: **3 (27.27%)**
 \$17,821-\$23,760: **0 (0.00%)**
 Above \$23,760: **2 (18.18%)**



14. Excluding your home and your vehicle, do you have assets(including savings) totaling LESS than \$10,000? Out of **12** total responses.

Yes: **7 (58.33%)**
 No: **5 (41.67%)**

15. Was the information you received about Supported Decision-Making Helpful? Out of **97** total responses.

Yes: **97 (100.00%)**
 No: **0 (0.00%)**

16. Would you like to see Supported Decision-Making available in Nevada as an alternative to guardianship? Out of **96** total responses.

Yes: **94 (97.92%)**
 No: **2 (2.08%)**

Question 2 Geographical Data Expanded Out of **92** total responses.**Responses by Zip Code**

County	City	Zip Code	# Of Responses	% of Total
Carson City	CARSON CITY	89701	4	4.35%
Carson City	CARSON CITY	89706	6	6.52%
Clark	HENDERSON	89052	1	1.09%
Clark	HENDERSON	89074	1	1.09%
Clark	LAS VEGAS	89104	1	1.09%
Clark	LAS VEGAS	89113	1	1.09%
Clark	LAS VEGAS	89115	1	1.09%
Clark	LAS VEGAS	89118	1	1.09%
Clark	LAS VEGAS	89129	1	1.09%
Clark	LAS VEGAS	89148	1	1.09%
Clark	LAS VEGAS	89149	1	1.09%
Clark	LAS VEGAS	89169	1	1.09%
Douglas	GARDNERVILLE	89460	1	1.09%
Douglas	MINDEN	89423	3	3.26%
Elko	ELKO	89801	12	13.04%
Elko	SPRING CREEK	89815	1	1.09%
Humboldt	WINNEMUCCA	89445	7	7.61%
Lander	BATTLE MOUNTAIN	89820	2	2.17%
Lyon	DAYTON	89403	2	2.17%
Washoe	RENO	89501	3	3.26%
Washoe	RENO	89502	1	1.09%
Washoe	RENO	89503	4	4.35%
Washoe	RENO	89506	2	2.17%
Washoe	RENO	89509	1	1.09%
Washoe	RENO	89511	3	3.26%
Washoe	RENO	89512	1	1.09%
Washoe	RENO	89519	2	2.17%
Washoe	RENO	89521	4	4.35%
Washoe	RENO	89523	4	4.35%
Washoe	RENO	89557	5	5.43%
Washoe	SPARKS	89431	10	10.87%
Washoe	SPARKS	89436	2	2.17%
Washoe	SUN VALLEY	89433	1	1.09%
White Pine	ELY	89301	1	1.09%

Responses by County

County	# Of Responses	% of Total
Carson City	10	10.87%
Churchill	0	0.00%
Clark	10	10.87%
Douglas	4	4.35%
Elko	13	14.13%
Esmeralda	0	0.00%
Eureka	0	0.00%
Humboldt	7	7.61%
Lander	2	2.17%
Lincoln	0	0.00%
Lyon	2	2.17%
Mineral	0	0.00%
Nye	0	0.00%
Pershing	0	0.00%
Storey	0	0.00%
Washoe	43	46.74%
White Pine	1	1.09%

Second Judicial District Court



State of Nevada Washoe County

December 2017

Honorable Frances Doherty **Summary Monthly Adult Guardianship** **Case Status Report**

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- 1.3 - Types of Guardianships Ordered for the Last 12 Full Months
- 1.4 - Average Time to Disposition for the Last 12 Full Months - Filed Since January 2014
- 1.5 - Cases Disposed in the Last 12 Full Months

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 - 2.1.1 - Timeliness of First Hearing on Full Petition
 - 2.1.2 - Timeliness of First Hearing on Temporary and Extended Petition
- 2.2 - Alternative Dispute Resolution
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- 4.1 - Adult Subject to Guardianship - Placement
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- 4.3 - Types of Guardians

Please note that certain data groups may not appear in this report, due to no data being returned from the report query.

Caseload Reports

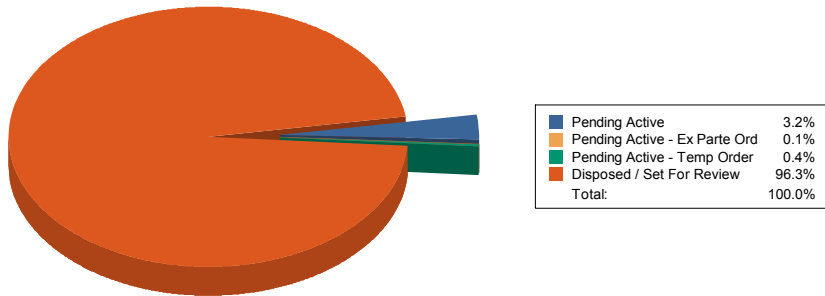
1.1 - Status of Pending Adult Guardianship Cases

Average Age of Case reflects time of initial petition to either time of disposition or current date.

	0 - 30 Days	31 - 60 Days	61 - 90 Days	91 - 180 Days	181 - 365 Days	Greater than 365 Days	Total
Pending Active	9	10	6	4	2	0	31
Pending Active - Ex Parte Ord	0	0	0	1	0	0	1
Pending Active - Temp Order	0	3	0	1	0	0	4
Disposed / Set For Review	185	518	123	86	23	8	943
Total	194	531	129	92	25	8	979

Pending Adult Guardianship Cases

Grouped by Status



Cases represented in the previous table and this graph contain cases with any initial filing date. Disposed cases are not listed here. Age of case is determined by the date the status was updated.

Pending - Active: A count of cases that, at the start of the reporting period, are awaiting disposition.

Pending Active - Ex Parte Order: A count of cases that have an ex parte order of guardianship filed and are awaiting further action.

Pending Active - Temp Order: A count of cases that have an order of temporary guardianship filed and are awaiting disposition.

Disposed/Set for Review: A count of cases at the end of each month that, following an initial Entry of Judgment, are awaiting a regularly scheduled review involving a hearing before a judicial officer during the reporting period.

These days represent the time from petition to adjudication, at which point the cases stop aging. This group represents cases that are awaiting a regularly scheduled review (ex., annual report). These cases do not continue to age, and therefore, remain static in their respective age grouping.

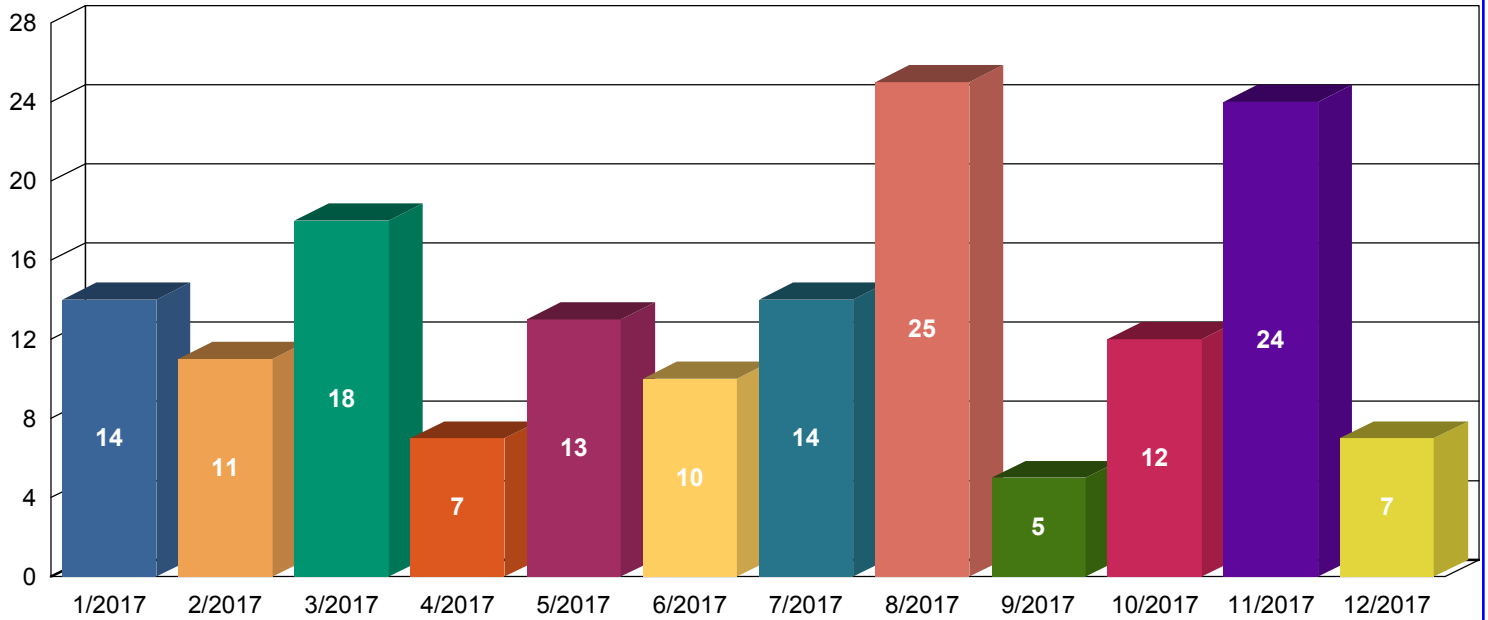
Caseload Reports

1.2 - New Adult Guardianship Cases

New Adult Guardianship cases filed in the previous 12 months.

New Case Filings

Last 12 Full Months



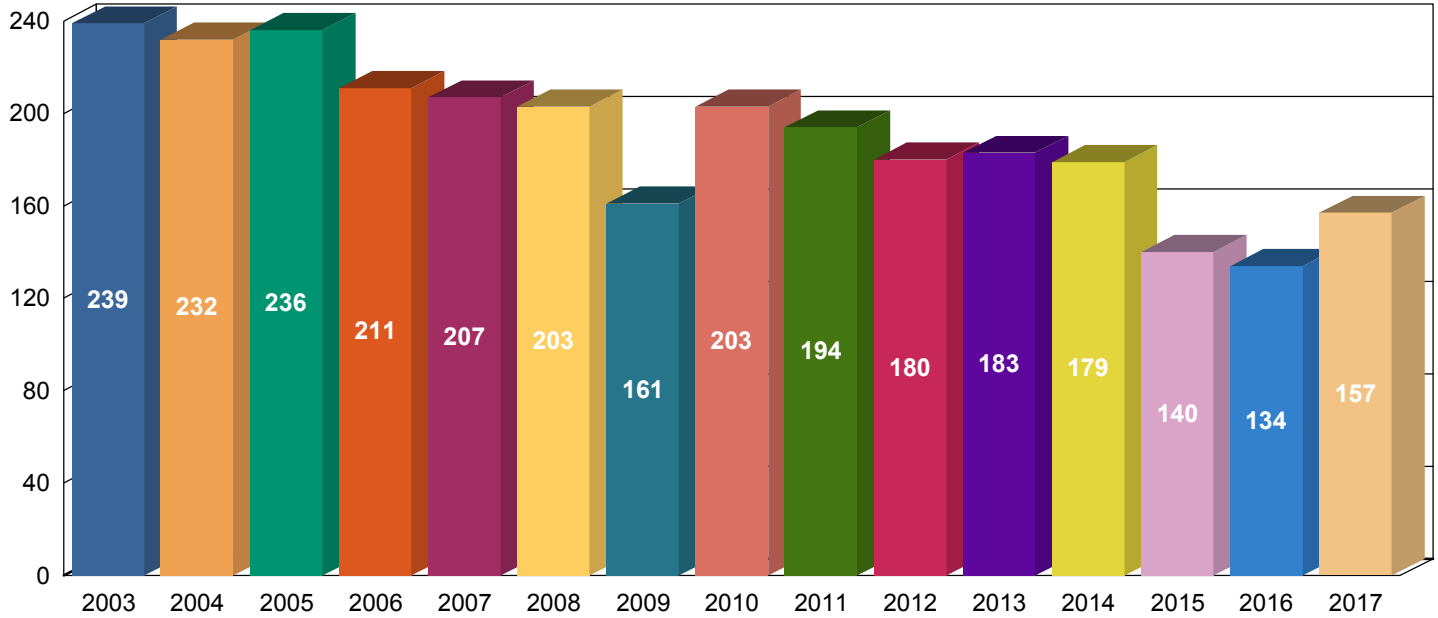
Caseload Reports

1.2.1 - New Adult Guardianship Cases

New Adult Guardianship cases filed in the previous 15 years.

New Case Filings

15 Year Trend



Caseload Reports

1.3 - Types of Guardianships Ordered

The below table shows the number and types of guardianships ordered in the past 12 full months. Definitions regarding the statutory authority for types of guardianships are listed in Appendix A.

NPCS 3.3.2 Initial Screening

Probate courts should encourage the appropriate use of less intrusive alternatives to formal guardianship and conservatorship proceedings.

NPCS 3.3.10 Less Intrusive Alternatives

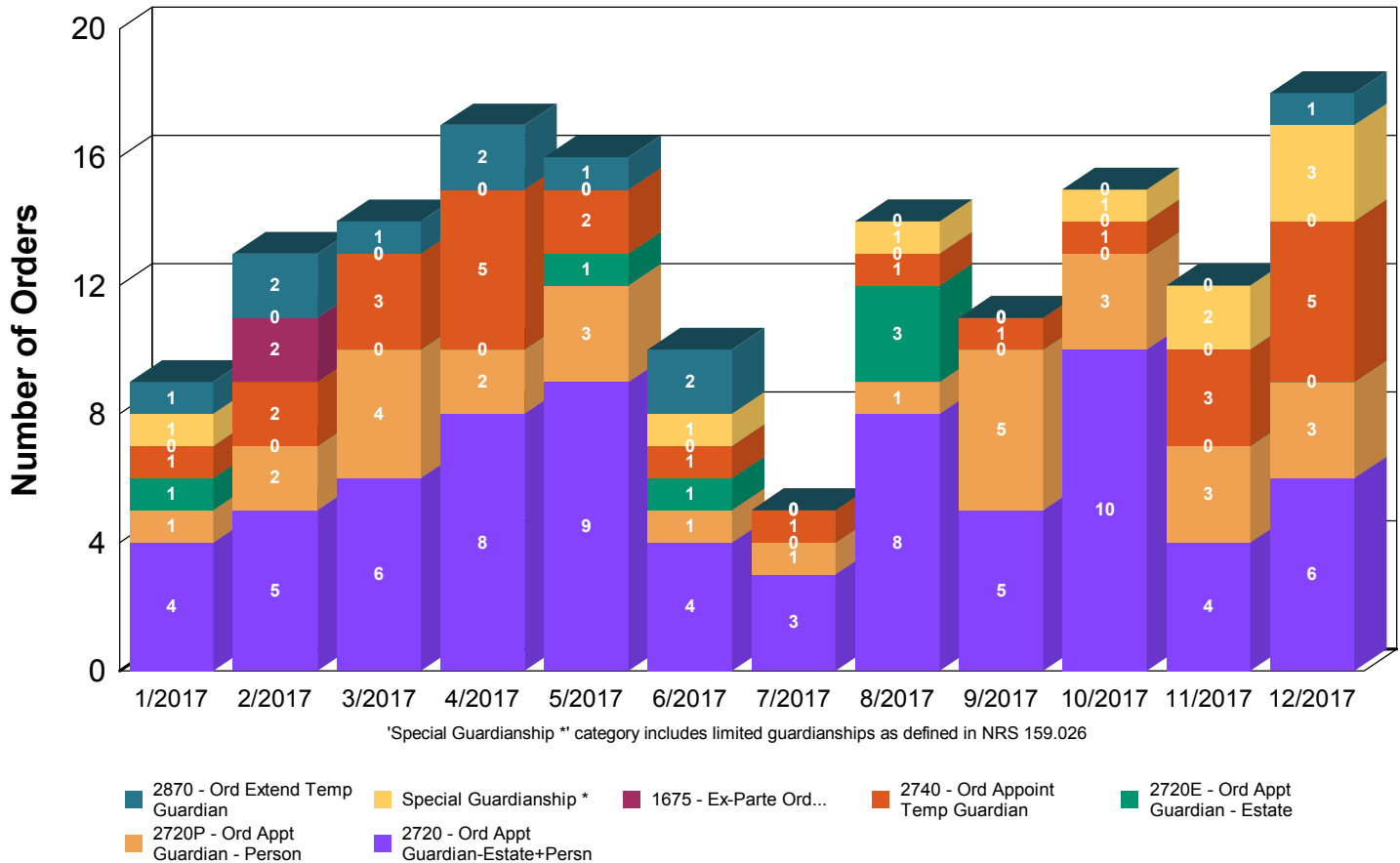
A. Probate courts should find that no less intrusive appropriate alternatives exist before the appointment of a guardian or conservator.

B. Probate courts should always consider, and utilize, where appropriate, limited guardianships and conservatorships, or protective orders.

C. In the absence of governing statutes, probate courts, taking into account the wishes of the respondent, should use their inherent or equity powers to tailor the scope of and tailor the guardianship or conservatorship order to the particular needs, functional capabilities, and limitations of the respondent.

	1/2017	2/2017	3/2017	4/2017	5/2017	6/2017	7/2017	8/2017	9/2017	10/2017	11/2017	12/2017	Total
2720 - Ord Appt Guardian-Estate+Persn	4	5	6	8	9	4	3	8	5	10	4	6	72
2720P - Ord Appt Guardian - Person	1	2	4	2	3	1	1	1	5	3	3	3	29
2720E - Ord Appt Guardian - Estate	1	0	0	0	1	1	0	3	0	0	0	0	6
2740 - Ord Appoint Temp Guardian	1	2	3	5	2	1	1	1	1	1	3	5	26
1675 - Ex-Parte Ord...	0	2	0	0	0	0	0	0	0	0	0	0	2
Special Guardianship *	1	0	0	0	0	1	0	1	0	1	2	3	9
2870 - Ord Extend Temp Guardian	1	2	1	2	1	2	0	0	0	0	0	1	10
Total	9	13	14	17	16	10	5	14	11	15	12	18	154

Types of Guardianships Ordered



Caseload Reports

1.4 - Average Time to Disposition for Pending Active Cases - Last 12 Full Months

Cases initially filed since January 1, 2014

The table below shows cases disposed that were initially filed since January 1, 2014 (since new case management protocols were put in place). The average time to disposition for pending active cases may fluctuate significantly in a particular month depending upon various factors, which include whether a continuance is necessary due to notice deficiencies, objections to the guardianship, or where the parties did not set a hearing on the petition shortly after its filing.

	<u>1/2017</u>	<u>2/2017</u>	<u>3/2017</u>	<u>4/2017</u>	<u>5/2017</u>	<u>6/2017</u>	<u>7/2017</u>	<u>8/2017</u>	<u>9/2017</u>	<u>10/2017</u>	<u>11/2017</u>	<u>12/2017</u>	<u>Total</u>
Average Number of Days	81.6	86.0	71.9	70.5	65.5	83.1	80.7	119.6	57.5	72.8	88.6	70.5	77.99

Caseload Reports

1.5 - Adult Guardianship Cases Disposed.

State of Nevada - USJR definitions are provided in Appendix A.

	<u>1/2017</u>	<u>2/2017</u>	<u>3/2017</u>	<u>4/2017</u>	<u>5/2017</u>	<u>6/2017</u>	<u>7/2017</u>	<u>8/2017</u>	<u>9/2017</u>	<u>10/2017</u>	<u>11/2017</u>	<u>12/2017</u>	<u>Total</u>
First Dispositions													
Bench N/J/T Judgment Reached	6	7	11	10	12	6	4	12	12	14	13	16	123
Setld/Withdrn w/o Jud Conf/Hrg	0	1	1	2	1	3	1	1	1	4	2	1	18
Other Manner of Disposition	0	0	0	1	0	0	1	0	0	2	1	5	10
Setld/Withdrn with Jud Conf/Hg	1	0	1	0	0	1	0	1	1	1	0	0	6
Dismissed-Want of Prosecution	1	0	1	0	0	0	1	0	0	0	0	1	4
Involuntary Dismissal	0	0	0	0	0	0	1	0	0	1	0	0	2
Transferred	0	0	0	0	0	0	0	0	0	0	0	1	1
Total	8	8	14	13	13	10	8	14	14	22	16	24	164
Final Dispositions													
Guard: Death	2	8	8	2	12	22	5	18	13	10	12	20	132
Guard: Restoration/Competency	1	0	2	0	0	1	0	2	1	1	1	2	11
Order Term Guard or Final Actg	2	0	1	3	2	0	0	1	0	0	0	1	10
Total	5	8	11	5	14	23	5	21	14	11	13	23	153

Additional Caseload Statistics

2.1 - Timeliness of First Hearing - Last 12 Full Months

2.1.1 - Hearing on Full Petition

Scheduled hearings for the last 12 months, broken out by the number of calendar days from initial petition filing to first hearing on a full petition.

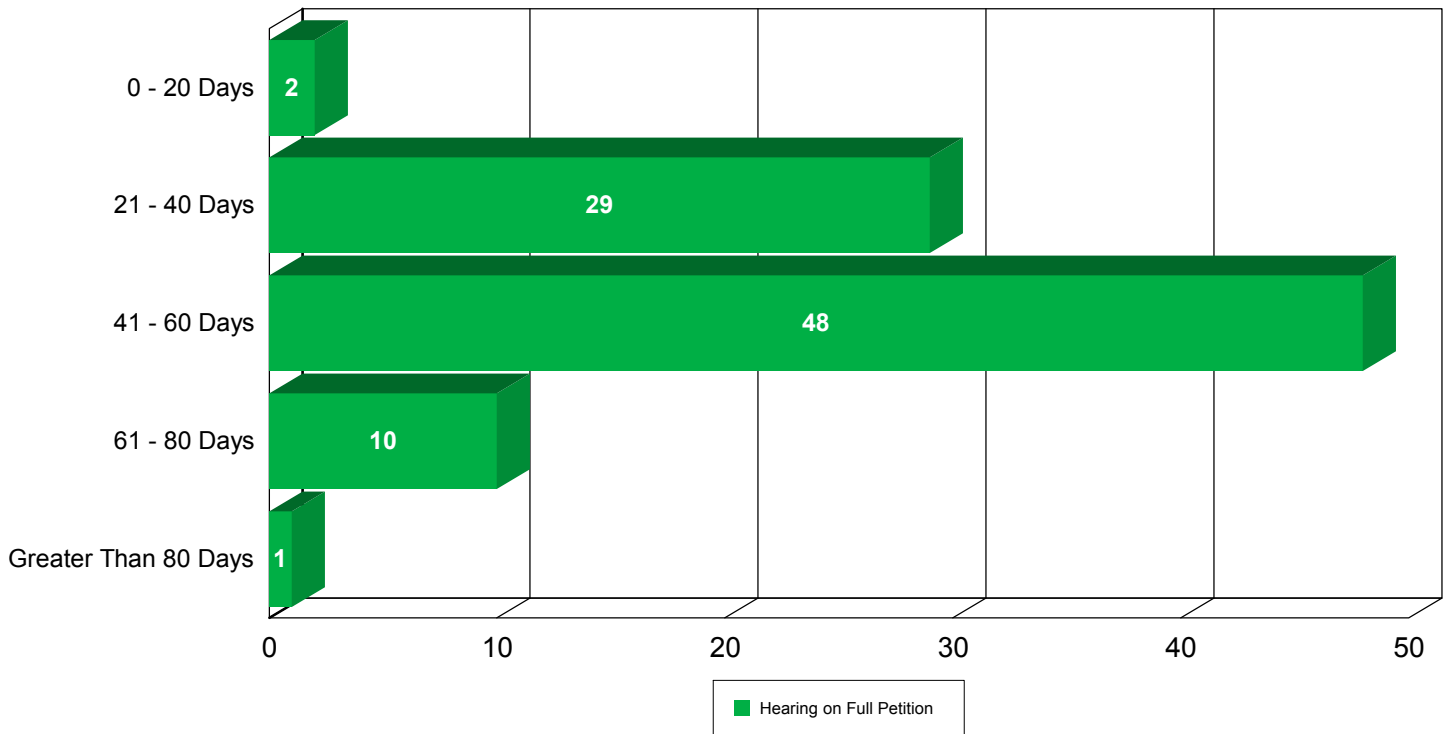
NPCS 3.3.8 Hearing

- A. Probate courts should promptly set a hearing for the earliest date possible.
- B. Respondents should be present at the hearing and all other stages of the proceeding unless waived.
- C. Probate courts should make reasonable accommodations to enable the respondent's attendance and participation at the hearing and all other stages of proceeding.
- D. A waiver of a respondent's right to be present should be accepted only upon a showing of good cause.
- E. The hearing should be conducted in a manner that respects and preserves all of the respondent's rights.
- F. Probate courts may require the court visitor who prepared a report regarding the respondent to attend the hearing.
- G. Probate courts should require the proposed guardian or conservator to attend the hearing.

		<u>0 - 20 Days</u>	<u>21 - 40 Days</u>	<u>41 - 60 Days</u>	<u>61 - 80 Days</u>	<u>Greater Than 80 Days</u>	<u>Total</u>
Hearing on Full Petition	Granted	0	15	33	3	1	52
	Continued	1	8	11	6	0	26
	Others	0	2	2	1	0	5
	Denied	1	1	0	0	0	2
	Heard	0	1	1	0	0	2
	Dismissed	0	1	1	0	0	2
	Vacated	0	1	0	0	0	1
	Total	2	29	48	10	1	90

Calendar Days to Initial Hearing

Full Petition



Additional Caseload Statistics

2.1 - Timeliness of First Hearing - Last 12 Full Months

2.1.2 - Hearing on Temporary or Extended Guardianship

Scheduled hearings for the last 12 months, broken out by the number of calendar days from initial petition filing to first hearing on temporary or extended guardianship.

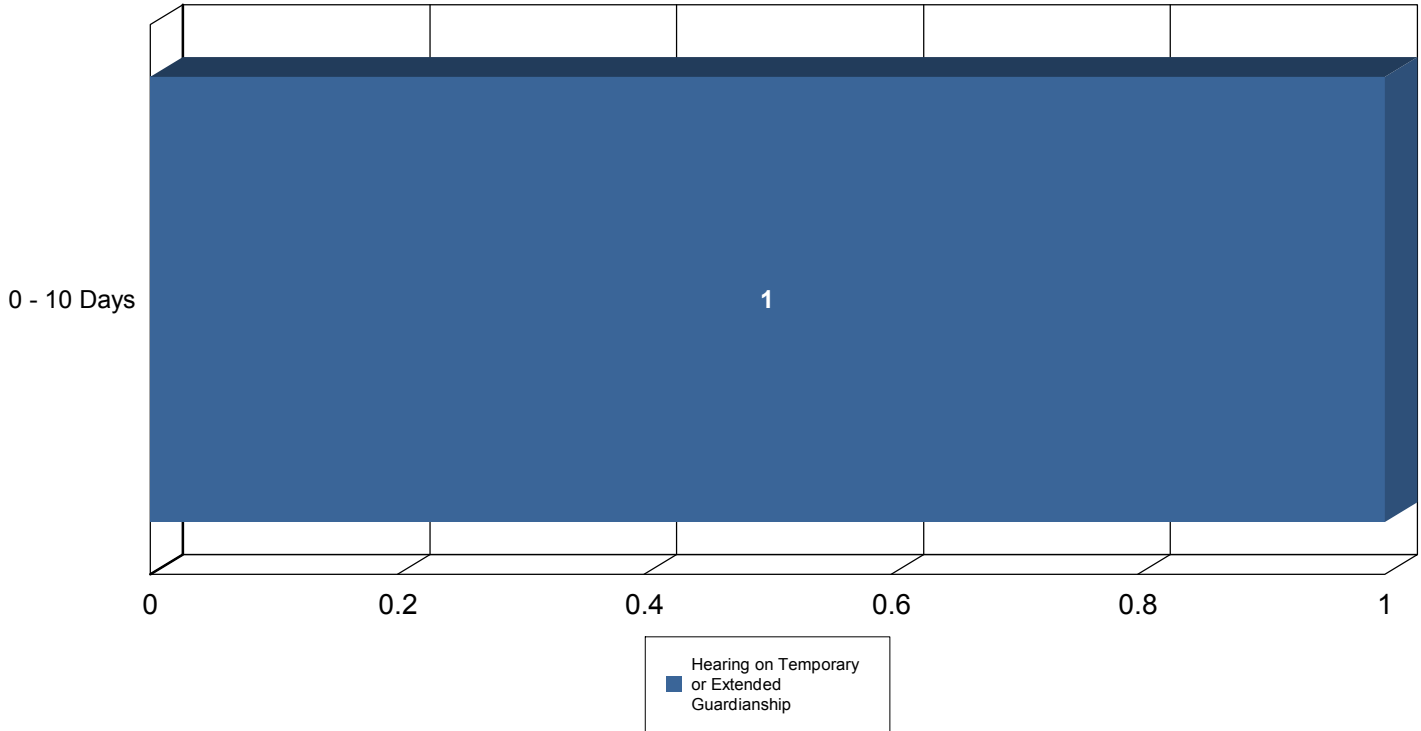
NPCS 3.3.8 Hearing

- A. Probate courts should promptly set a hearing for the earliest date possible.
- B. Respondents should be present at the hearing and all other stages of the proceeding unless waived.
- C. Probate courts should make reasonable accommodations to enable the respondent's attendance and participation at the hearing and all other stages of proceeding.
- D. A waiver of a respondent's right to be present should be accepted only upon a showing of good cause.
- E. The hearing should be conducted in a manner that respects and preserves all of the respondent's rights.
- F. Probate courts may require the court visitor who prepared a report regarding the respondent to attend the hearing.
- G. Probate courts should require the proposed guardian or conservator to attend the hearing.
- H. Probate courts should make a complete record of the hearing.

		<u>0 - 10 Days</u>	<u>Total</u>
Hearing on Temporary or Extended Guardianship	<u>Granted</u>	1	1
	Total	1	1

Calendar Days to Initial Hearing

Temporary or Extended Guardianship



Additional Caseload Statistics

2.2 - Alternative Dispute Resolution: - Last 12 Full Months

2.2.1 - Scheduled Mediations

Cases are grouped based upon resolution type. Pending mediations, if available, are labeled as 'Outcome Pending.'

NPCS 2.5.1 Referral to Alternative Dispute Resolution

Probate courts should refer appropriate cases to appropriate alternative dispute resolution services including mediation, family group conferencing, settlement conferences and arbitration.

NPCS 3.3.2 Initial Screening

Probate courts should encourage the appropriate use of less intrusive alternatives to formal guardianship and conservatorship proceedings.

NPCS 3.3.10 Less Intrusive Alternatives

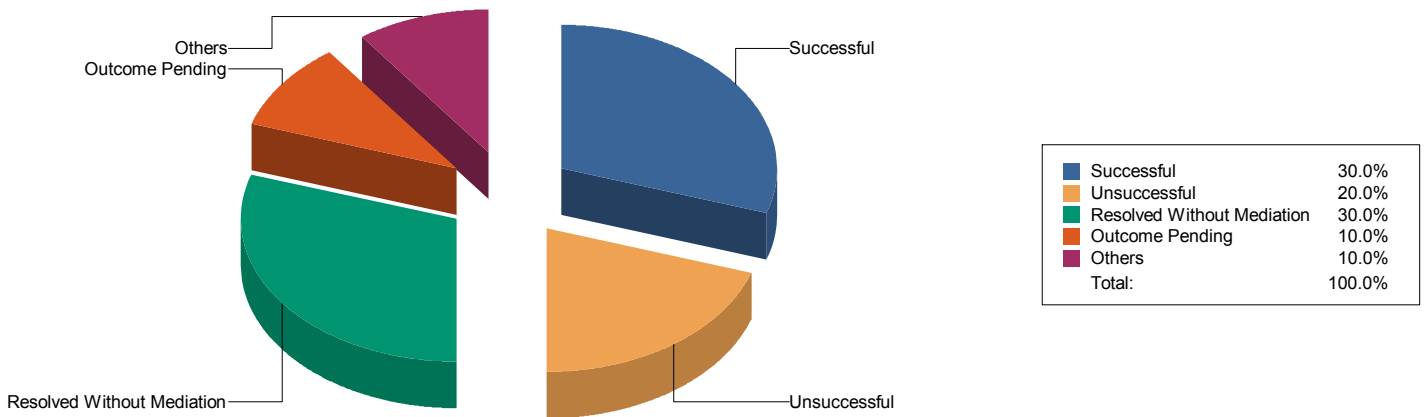
A. Probate courts should find that no less intrusive appropriate alternatives exist before the appointment of a guardian or conservator.

B. Probate courts should always consider, and utilize, where appropriate, limited guardianships and conservatorships, or protective orders.

C. In the absence of governing statutes, probate courts, taking into account the wishes of the respondent, should use their inherent or equity powers to limit the scope of and tailor the guardianship or conservatorship order to the particular needs, functional capabilities, and limitations of the respondent.

	<u>2/2017</u>	<u>3/2017</u>	<u>4/2017</u>	<u>7/2017</u>	<u>8/2017</u>	<u>9/2017</u>	<u>10/2017</u>	<u>12/2017</u>	<u>Total</u>
Successful	0	0	0	0	1	1	0	1	3
Unsuccessful	0	0	0	1	0	0	1	0	2
Resolved Without Mediation	1	1	1	0	0	0	0	0	3
Outcome Pending	0	0	0	0	0	0	0	1	1
Others	0	0	0	0	0	0	1	0	1
Total	1	1	1	1	1	1	2	2	10

Scheduled Mediations



Additional Caseload Statistics

2.2 - Alternative Dispute Resolution: - Last 12 Full Months

2.2.2 - Scheduled Settlement Conferences

Events are grouped based upon resolution type. Pending settlement conferences are labeled as 'Outcome Pending.' Multiple events may occur on a single case. This new data element capture began July 1, 2015.

NPCS 2.5.1 Referral to Alternative Dispute Resolution

Probate courts should refer appropriate cases to appropriate alternative dispute resolution services including mediation, family group conferencing, settlement conferences and arbitration.

NPCS 3.3.2 Initial Screening

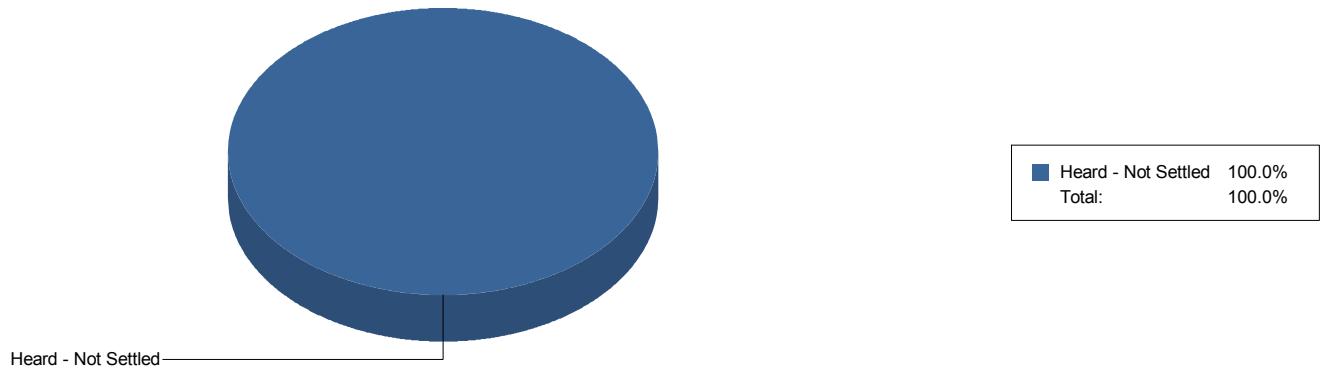
Probate courts should encourage the appropriate use of less intrusive alternatives to formal guardianship and conservatorship proceedings.

NPCS 3.3.10 Less Intrusive Alternatives

- A. Probate courts should find that no less intrusive appropriate alternatives exist before the appointment of a guardian or conservator.
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- C. In the absence of governing statutes, probate courts, taking into account the wishes of the respondent, should use their inherent or equity powers to limit the scope of and tailor the guardianship or conservatorship order to the particular needs, functional capabilities, and limitations of the respondent.

	<u>8/2017</u>	<u>Total</u>
Heard - Not Settled	1	1
Total	1	1

Settlement Conferences



Additional Caseload Statistics

2.3 - Annual Reports and Inventories Filed

The below table shows the number of annual reports, accountings, inventories, and appraisal and record filings in the past 12 full months.

	<u>1/2017</u>	<u>2/2017</u>	<u>3/2017</u>	<u>4/2017</u>	<u>5/2017</u>	<u>6/2017</u>	<u>7/2017</u>	<u>8/2017</u>	<u>9/2017</u>	<u>10/2017</u>	<u>11/2017</u>	<u>12/2017</u>	Total
Accounting	8	9	14	12	15	12	15	20	11	17	12	12	157
Annual Report of Guardian	59	38	70	50	58	69	50	78	48	70	36	49	675
Inventories	14	26	22	17	21	27	18	16	11	18	6	15	211
Total	81	73	106	79	94	108	83	114	70	105	54	76	1,043

Additional Caseload Statistics

2.4 - Guardianship Review Comparison

The below table and chart show the number of types of guardianship cases that are pending active or set for review. Data regarding the estate value of new cases is typically entered upon submission of the inventory and/or entry of the order appointing guardian.

Guardianship - Estate Only	Non-Summary	\$0 - \$10,000	Total	1
		\$10,000 - \$20,000		1
		\$20,000 - \$200,000		9
		\$200,000 and up		1
		Total		12
	Summary	\$0 - \$10,000		7
	Total		7	
			Total	19
Guardianship - Person & Estate	Non-Summary	\$0 - \$10,000		3
		\$10,000 - \$20,000		11
		\$20,000 - \$200,000		88
		\$200,000 and up		62
		Total		164
	Summary	\$0 - \$10,000		481
	Total		481	
			Total	645
Guardianship - Person Only		\$0 - \$10,000		206
		Total		206
			Total	206
No Data Entered		Others		122
		Total		122
			Total	122

Additional Caseload Statistics

2.5 - Appointment of Counsel - Last 12 Full Months

Court appointed counsel for the last 12 months, broken out by the party type. This new data element capture began September 1, 2015.

NPCS 3.3.5 Appointment of Counsel

A. Probate courts should appoint a lawyer to represent the respondent in a guardianship/conservatorship proceeding if:

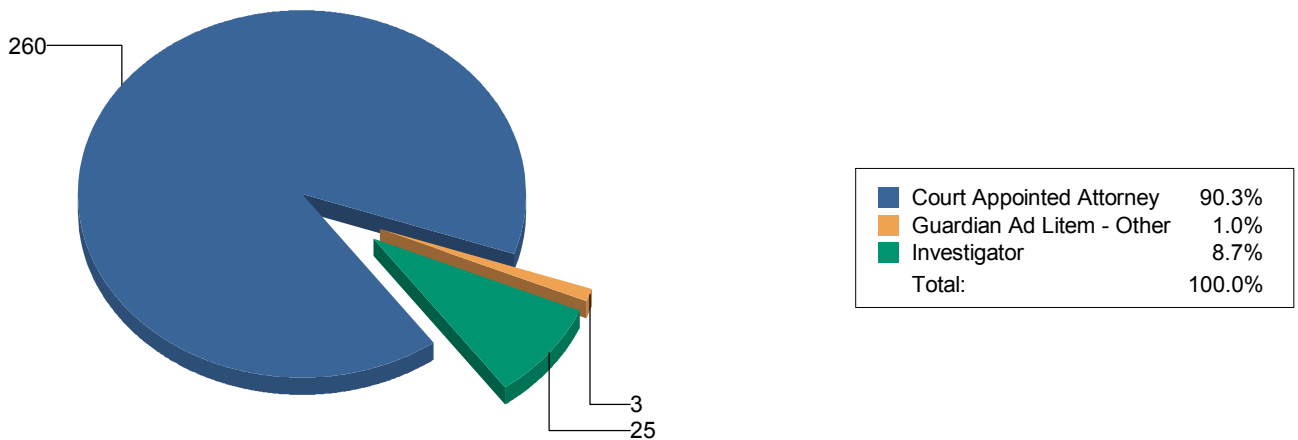
- (1) Requested by the respondent; or
- (2) Recommended by the visitor; or
- (3) The court determines that the respondent needs representation; or
- (4) Otherwise required by law.

B. The role of counsel should be that of an advocate for the respondent.

	<u>1/2017</u>	<u>2/2017</u>	<u>3/2017</u>	<u>4/2017</u>	<u>5/2017</u>	<u>6/2017</u>	<u>7/2017</u>	<u>8/2017</u>	<u>9/2017</u>	<u>10/2017</u>	<u>11/2017</u>	<u>12/2017</u>	<u>Total</u>
Court Appointed Attorney	11	10	20	5	11	10	25	58	17	23	48	22	260
Guardian Ad Litem - Other	1	1	0	0	0	0	0	0	0	1	0	0	3
Investigator	0	0	2	1	2	2	1	1	4	4	3	5	25
Total	12	11	22	6	13	12	26	59	21	28	51	27	288

Appointment of Counsel

Past 12 Full Months



Total Appointments: 288

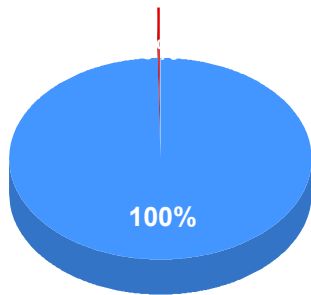
Compliance Reports

3.1 - Milestones for all Adult Guardianship Cases

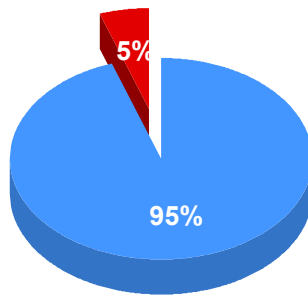
Every adult guardianship case requires the filing of the following:

- Order Appointing Counsel
- Letters of Guardianship
- Guardians Acknowledgment
- Annual Report of Guardian

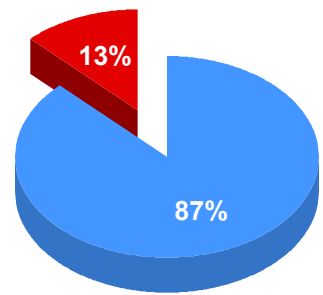
Compliance rate for **636** cases, filed from 2011 to present.



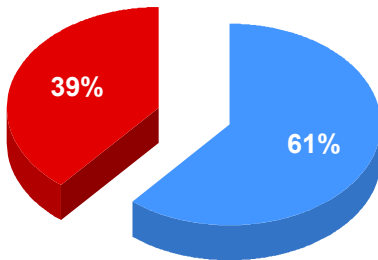
2715 - Ord Appointing Counsel



1910 - Letters of Guardianship



1780 - Guardian's Acknowledgment



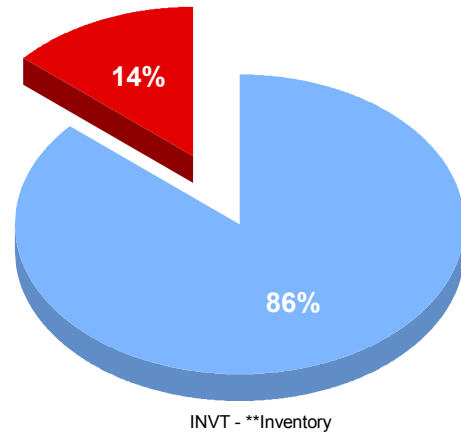
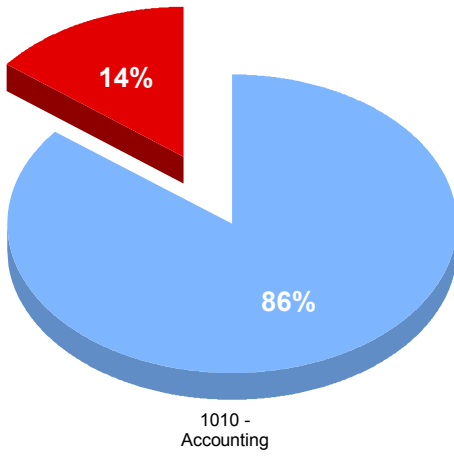
1125 - Annual Report of Guardian

■ @Compliant ■ @Noncompliant

Compliance Reports 3.2 - Inventories and Annual Accountings

A small set of cases require the filing of an Inventory and Annual Accounting.

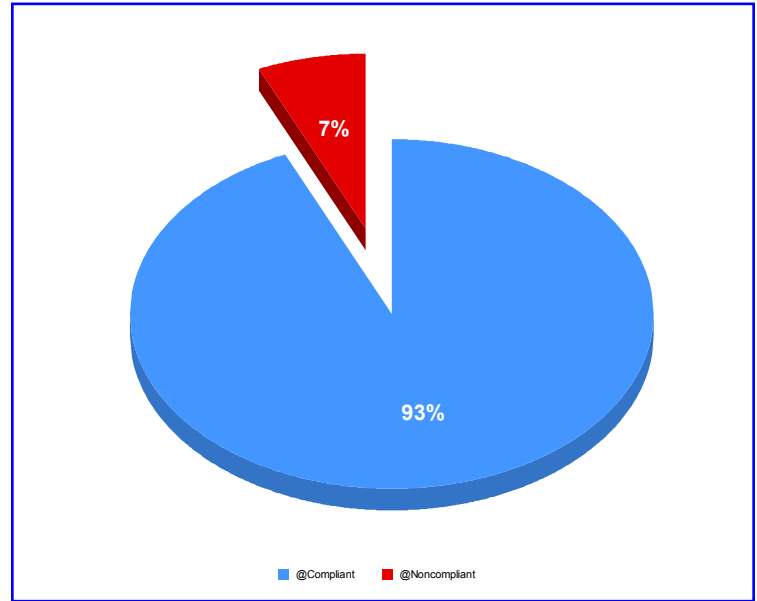
Compliance rate for **522** cases, filed from 2011 to present.



Compliance Reports
3.3 - Certificate of Compliance

Must be filed after completion of guardianship training.

Compliance rate for 153 cases, filed from 2011 to present.



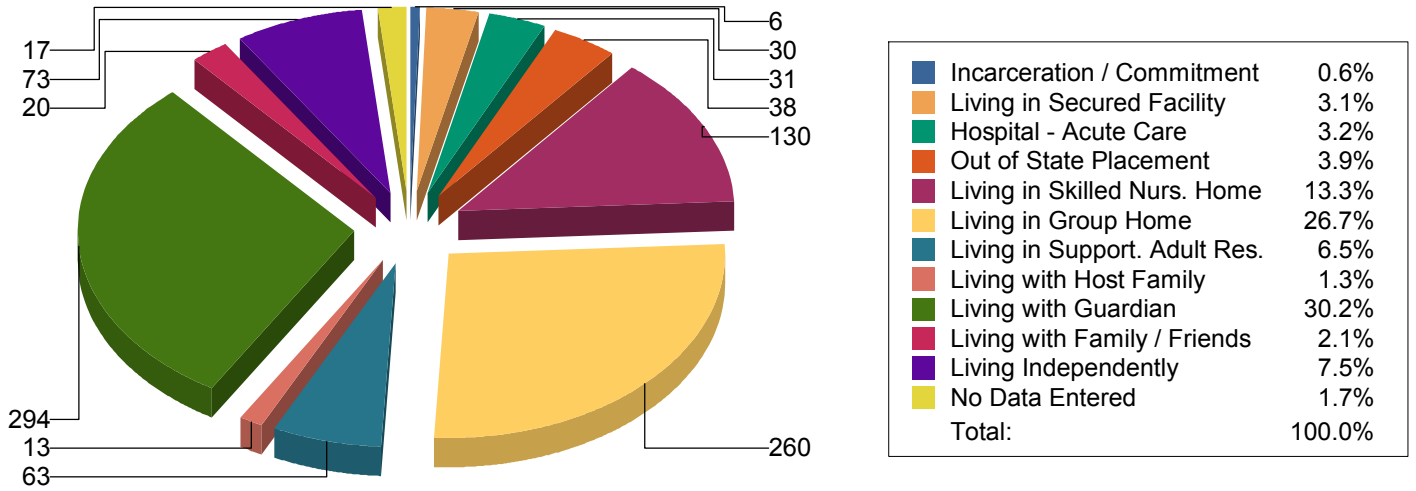
Demographics

4.1 - Placement

For all pending cases, the chart below shows the percentage breakdown of guardian types in Adult Guardianship cases. Please note: 'No Data Entered' represents those cases that are pending active and awaiting a case disposition, where a placement has not yet been established. Definitions for placement and care are located on Appendix C.

Placement Breakdown

For Persons Subject to a Guardianship



Total Placements: 975

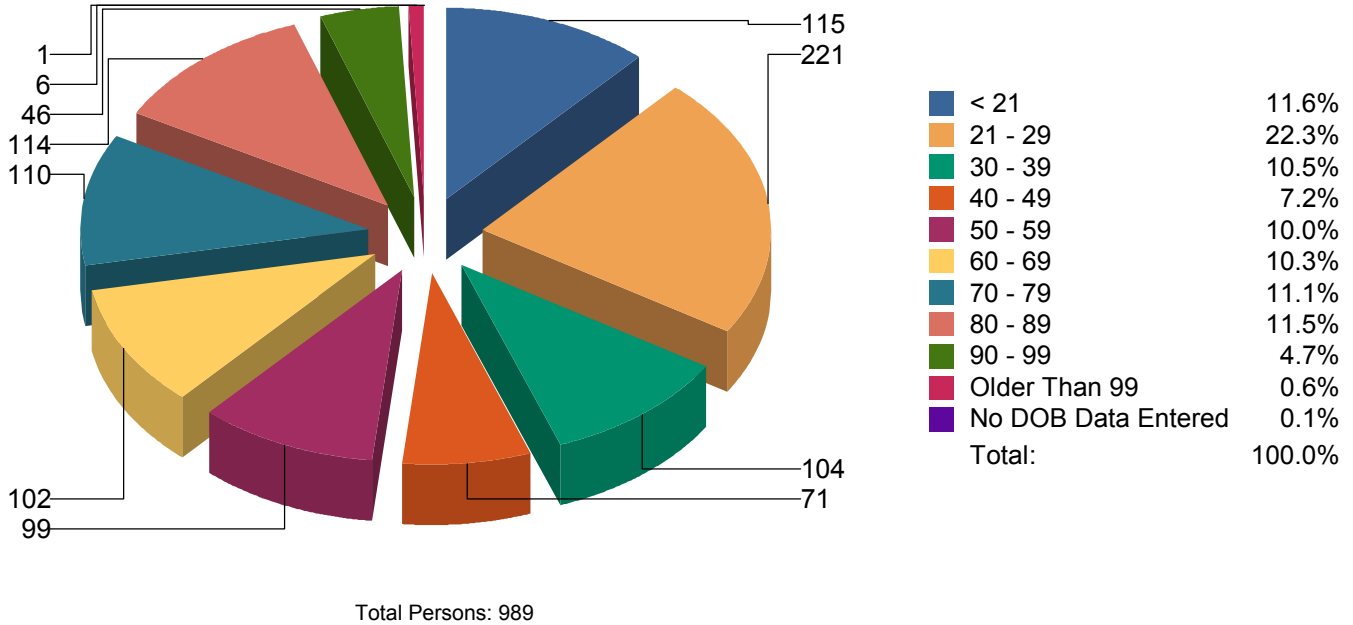
Demographics

4.2 - Adult Subject to Guardianship - Age Breakdown

The table and chart below show the breakdown in age of persons subject to a guardianship in pending cases. Please note: Previous to January 2014, this data was not captured. As data is added to the case management system, the percentage of 'No DOB Data Entered' will decrease.

Age Breakdown

For Persons Subject to a Guardianship

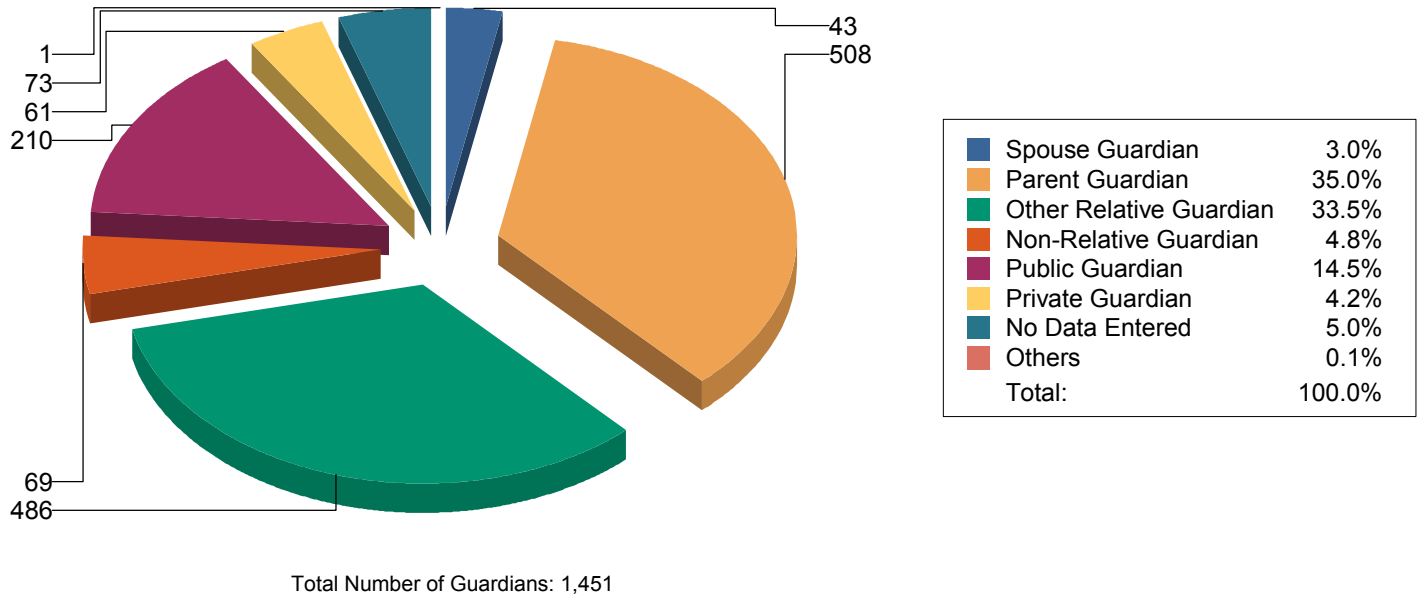


Demographics

4.3 - Guardian Types

For all pending cases, the chart below shows the percentage breakdown of guardian types in Adult Guardianship cases. *Please note: Previous to January 2014, this data was not captured. As data is added to the case management system, the percentage of 'No Data Entered' will decrease.*

Types of Guardians



Appendix A. Statutory Authority for types of Guardianships

NRS 159.0487 provides for the appointment of 5 different types of Guardian.

1. Guardians of the Person, of the Estate, or of the Person and Estate for incompetents or minors whose home state is this State
This is a General Guardianship over the Person, Estate or both over a person found to be incompetent with all of the powers available under NRS 159 granted to the Guardian. However the Guardian must still petition the Court before taking action in relation to certain aspects of the Person and or Estate.
 - a. Summary Administration of a Guardianship Estate (NRS 159.076)
Ordinarily a Guardianship of Estate requires annual accountings to be heard on noticed hearing by the Court. However where it appears after payment of all claims and expenses of the guardianship that the value of the Ward's property does not exceed \$10,000 the Court may dispense with annual accountings and all other proceedings required by this chapter. However the Guardian must notify the Court through an amended inventory should the net estate exceed \$10,000 and file annual accountings from that point on.
2. Guardians of the Person, of the Estate, or of the Person and Estate for incompetents or minors who, although not residents of this State, are physically present in this State and whose welfare requires such an appointment
This is the same type of Guardianship as described at 1. However it is the physical proximity in state and the circumstantial requirement of appointment rather than residence which allows the Court to make an order. The powers granted are the same and subject to the same statutory requirements of permission before action is taken.
3. Guardians of the Estate for nonresident incompetents or nonresident minors who have property within this State
This describes a guardianship concerned with property held in this state only.
4. Special Guardians (NRS 159.026, NRS 159.0801, NRS 159.0805)
This is a guardianship over a person found to be a limited capacity as opposed to incompetency. The Court may dictate the powers granted to the Special Guardian and, save in emergency situations, must apply to the Court for instruction or approval before commencing any act relating to the person of limited capacity. The Special Guardian of the Person may also be granted powers to manage and dispose of the estate of the Ward.
5. Guardians ad litem
Not applicable to this analysis.
6. Temporary Guardian of the Person and/ or Estate (NRS 159.0523/0525)
The Court may grant a temporary guardianship over the Person, Estate or both. This may be granted on an ex parte basis but in such circumstances must be heard not later than 10 days after the date of appointment or the guardianship will expire. The Court may extend the guardianship for no longer than 5 months unless extraordinary circumstances are shown. The Court shall limit the powers of the Temporary Guardian to those necessary to respond to a substantial and immediate risk of physical harm or financial loss as is relevant.

Appendix B. USJR – Family Disposition Definitions

Non-Trial Dispositions: A major classification category for family-related case dispositions in which a case is disposed of by a dismissal, default, settlement, withdrawal, transfer, or other non-trial action.

Other Manner of Disposition: A subcategory of family-related non-trial case type dispositions including ones of unknown specificity or dispositions not attributable to one of the other defined family-related disposition categories.

Dismissed for Want of Prosecution: A subcategory of family-related non-trial dispositions involving cases dismissed by the court because the plaintiff, petitioner, or obligee has voluntarily ceased to pursue a case.

Involuntary (Statutory) Dismissal: A subcategory of family-related non-trial dispositions involving cases adjudicated by an order of dismissal being entered because the legal time statute has expired, with no other judgment or order being rendered for the case.

Default Judgment: A subcategory of family related non-trial dispositions involving cases in which the defendant(s) either chose not to or failed to respond to (i.e. answer) the plaintiff's allegations.

Settled/Withdrawn Without Judicial Conference or Hearing: A subcategory of family related non-trial dispositions for cases settled out of court, voluntarily withdrawn from the court docket by the plaintiff, and/or by joint stipulation without a conference or hearing with a judicial officer.

Settled/Withdrawn With Judicial Conference or Hearing: A subcategory of family related non-trial dispositions for cases settled, voluntarily withdrawn from the court docket by the plaintiff, and/or by joint stipulation following a conference or hearing with a judicial officer.

Settled/Withdrawn by Alternative Dispute Resolution (ADR): A subcategory of family related non-trial dispositions involving cases that were referred by the court to programs such as mediation or arbitration and through those processes, were successfully settled and/or withdrawn from the court docket during the reporting period.

Transferred: A subcategory of family-related non-trial dispositions involving cases in which a judicial order transfers a case from one court to another jurisdiction. Transferred does not mean transferring the case from one judge or master to another judge or master within the same court.

Trial Dispositions: A major classification category for family-related case dispositions that involves a hearing and determination of issues of fact and law, in accordance with prescribed legal procedures, in order to reach a judgment in a case before a court.

Bench (Non-Jury) Trial: A subcategory of family related trial dispositions involving a trial in which there is no jury and a judicial officer determines both the issues of fact and law in the case. For statistical purposes, a Bench trial is initiated when an opening statement is made, the first evidence is introduced, or the first witness sworn, whichever comes first, regardless of whether a judgment is reached.

Disposed After Trial Start: A subcategory of family related bench (non-jury) trial dispositions in which a judicial officer determines both the issues of fact and law in the case, but no judgment is reached, typically because the case settles during the trial.

Judgment Reached: A subcategory of family related bench (non-jury) trial dispositions in which a judicial officer determines both the issues of fact and law in the case and a judgment is rendered by the court/judicial officer.

Appendix C: LEVELS OF CARE/PLACEMENTS

Jail/Commitment Facility: Placement in a commitment facility pursuant to a civil protocol which occurs when a person is involuntarily admitted into an acute care, locked, psychiatric hospital for serious mental health impairments pursuant to the provisions of NRS 433A. Placement in a jail results when a person is arrested and incarcerated in a locked detention facility pending criminal disposition.

Locked/Secure Facility: Placement serving persons who are experiencing serious psychiatric disabilities and require a secure, safe and structured living environment in which they may benefit functionally from psychiatric rehabilitation services and progress to a less restrictive level of care. The facility providing long-term care is designed to restrict a resident of the facility from leaving the facility, a part of the facility or the grounds of the facility through the use of locks or other mechanical means unless the resident is accompanied by a staff member of the facility or another person authorized by the facility or the guardian. This does not include a residential facility providing long-term care which uses procedures or mechanisms only to track the location or actions of a resident or to assist a resident to perform the normal activities of daily living. NRS 159.0255

Hospital-Acute Care: Placement in an acute care hospital of a person receiving brief 24-hour in-patient treatment and recovery care for a serious, health condition or trauma.

Out of State Placement: Placement of a resident of the State of Nevada in a location/facility out of Nevada's boundaries in order to meet placement needs or requirements.

Skilled Nursing Home: Placement of a person in a skilled nursing home receiving continuous 24-hour residential support for activities of daily living and nursing support for challenges associate with disabilities. Skilled nursing homes may also provide transitional rehabilitation and medical services for persons transitioning from hospitalization to a lesser restrictive living circumstance. NRS 449.0039.

Group Home: Placement of a person in a private home that furnishes food, shelter, assistance and limited supervision to a person with an intellectual disability or with a physical disability or a person who is aged or infirm. The term includes, without limitation, an assisted living facility. NRS 449.017.

Supportive Adult Residence: Placement maximizes elder or disabled persons independence while providing supplemental services as needed, i.e., medication management, meal preparation, transportation, apartment cleaning, general health care services, 24 hour monitoring. See also NRS449.017.

Host Family /Guardian/Family/Friend: Placement of a person in a family home that allows the living experience of a home setting with a non-relative, relative, guardian or friend who provides housing, meals and services designated in the person's care plan, such as transportation, medication reminders, companionship, socialization, and assistance with activities of daily living.

Independent Living: Placement of a person in their own home living with or without supportive services.