

Second Judicial District Court



State of Nevada Washoe County

May 2018

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

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

Caseload Reports

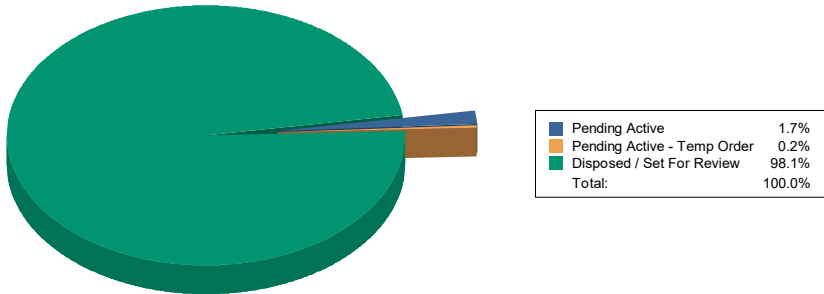
1.1 - Status of Pending Adult Guardianship Cases

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

	<u>0 - 30 Days</u>	<u>31 - 60 Days</u>	<u>61 - 90 Days</u>	<u>91 - 180 Days</u>	<u>181 - 365 Days</u>	<u>Greater than 365 Days</u>	<u>Total</u>
Pending Active	8	4	2	2	0	0	16
Pending Active - Temp Order	1	0	1	0	0	0	2
Disposed / Set For Review	179	514	123	91	26	8	941
Total	188	518	126	93	26	8	959

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.

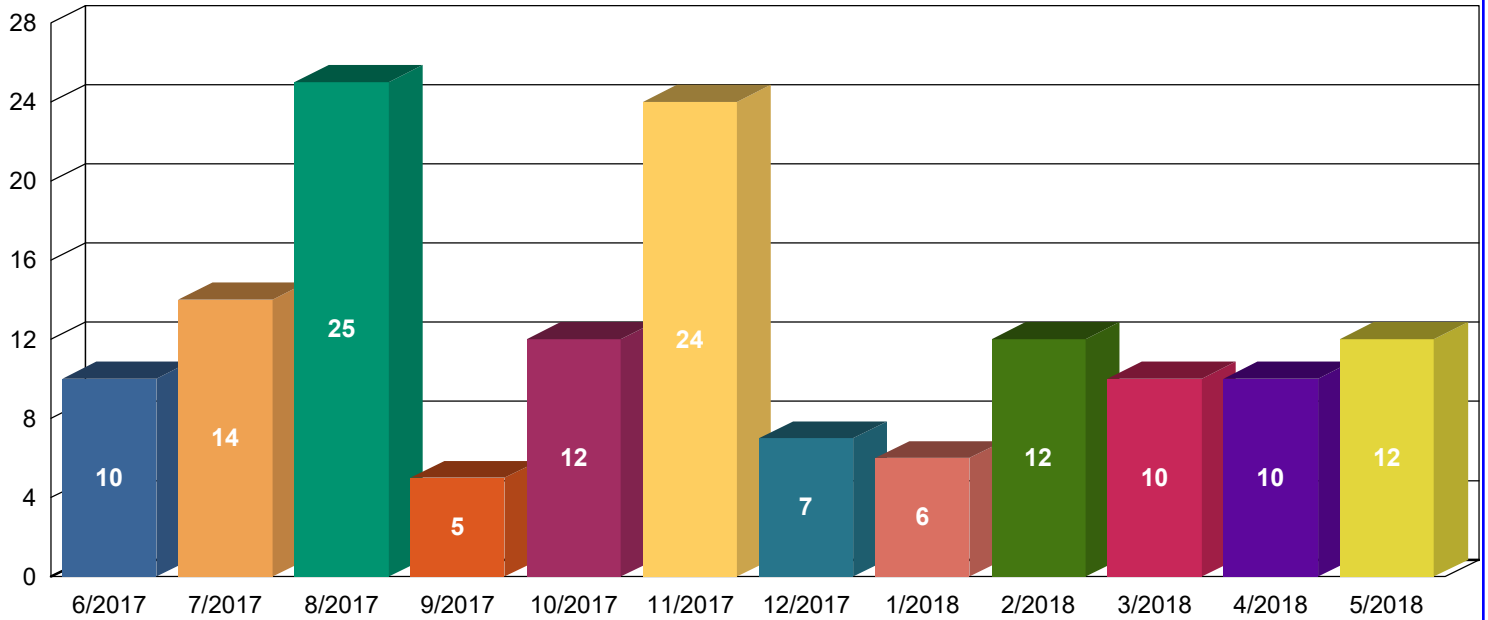
Caseload Reports

1.2 - New Adult Guardianship Cases

New Adult Guardianship cases filed in the previous 12 months.

New Case Filings

Last 12 Full Months



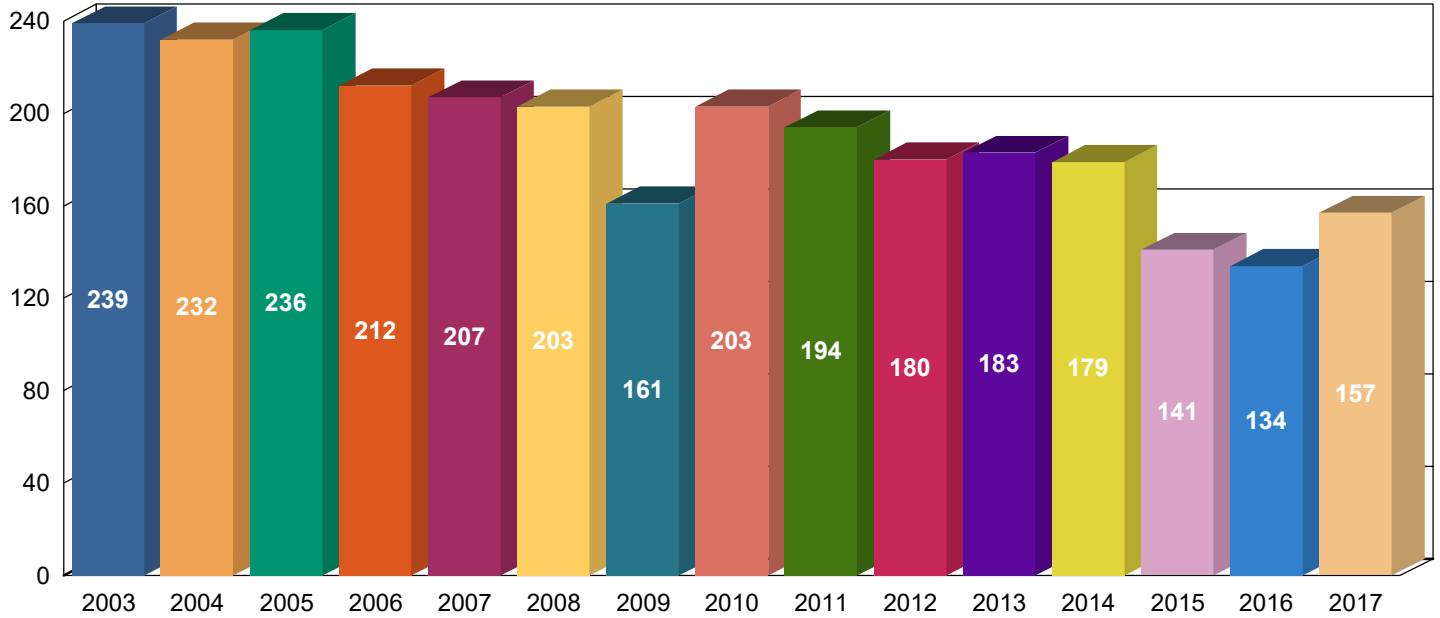
Caseload Reports

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

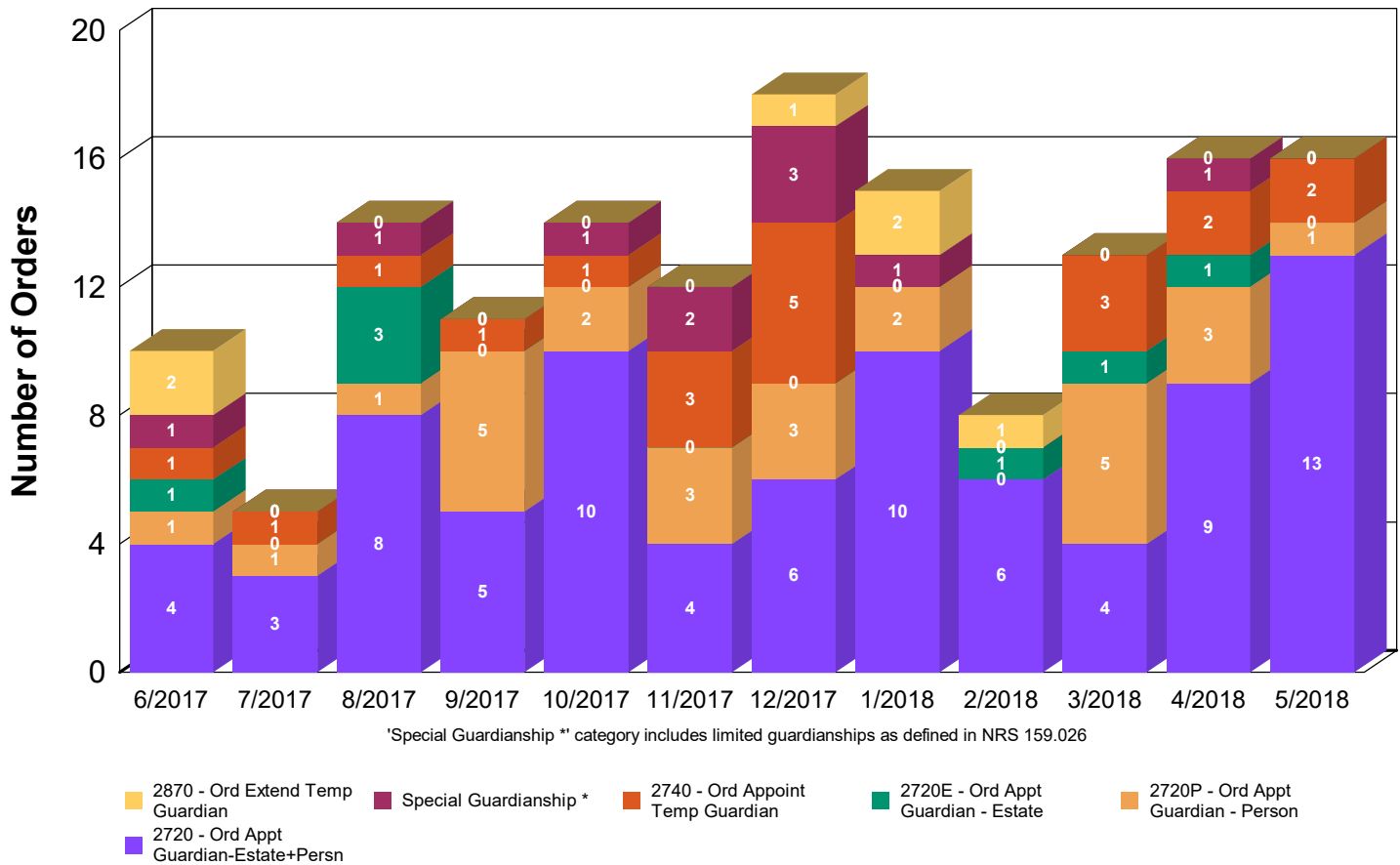
A. Probate courts should find that no less intrusive appropriate alternatives exist before the appointment of a guardian or conservator.

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.

	6/2017	7/2017	8/2017	9/2017	10/2017	11/2017	12/2017	1/2018	2/2018	3/2018	4/2018	5/2018	Total
2720 - Ord Appt Guardian-Estate+Persn	4	3	8	5	10	4	6	10	6	4	9	13	82
2720P - Ord Appt Guardian - Person	1	1	1	5	2	3	3	2	0	5	3	1	27
2720E - Ord Appt Guardian - Estate	1	0	3	0	0	0	0	0	1	1	1	0	7
2740 - Ord Appoint Temp Guardian	1	1	1	1	1	3	5	0	0	3	2	2	20
Special Guardianship *	1	0	1	0	1	2	3	1	0	0	1	0	10
2870 - Ord Extend Temp Guardian	2	0	0	0	0	0	1	2	1	0	0	0	6
Total	10	5	14	11	14	12	18	15	8	13	16	16	152

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>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>1/2018</u>	<u>2/2018</u>	<u>3/2018</u>	<u>4/2018</u>	<u>5/2018</u>	<u>Total</u>
Average Number of Days	83.1	80.7	119.6	57.5	72.8	88.6	70.5	86.9	89.3	87.7	83.5	43.3	79.43

Caseload Reports

1.5 - Adult Guardianship Cases Disposed.

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

	<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>1/2018</u>	<u>2/2018</u>	<u>3/2018</u>	<u>4/2018</u>	<u>5/2018</u>	<u>Total</u>
Final Dispositions													
Guard: Death	22	5	18	13	10	11	20	9	11	5	13	16	153
Guard: Restoration/Competency	1	0	2	1	1	1	2	1	0	1	1	4	15
Order Term Guard or Final Actg	0	0	1	0	0	0	1	1	2	2	0	0	7
Total	23	5	21	14	11	12	23	11	13	8	14	20	175
First Dispositions													
Bench N/J/T Judgment Reached	6	4	12	12	14	13	16	14	6	9	13	13	132
Setld/Withdrn w/o Jud Conf/Hrg	3	1	1	1	4	2	1	0	1	1	0	0	15
Other Manner of Disposition	0	1	0	0	2	1	5	0	1	2	0	0	12
Setld/Withdrn with Jud Conf/Hg	1	0	1	1	1	0	0	0	1	0	1	0	6
Transferred	0	0	0	0	0	0	1	1	1	0	1	1	5
Involuntary Dismissal	0	1	0	0	1	0	0	0	0	0	0	0	2
Voluntary Dismissal	0	1	0	0	0	0	1	0	0	0	0	0	2
Voluntary Dismissals	0	0	0	0	0	0	0	0	0	1	0	0	1
Total	10	8	14	14	22	16	24	15	10	13	15	14	175

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.

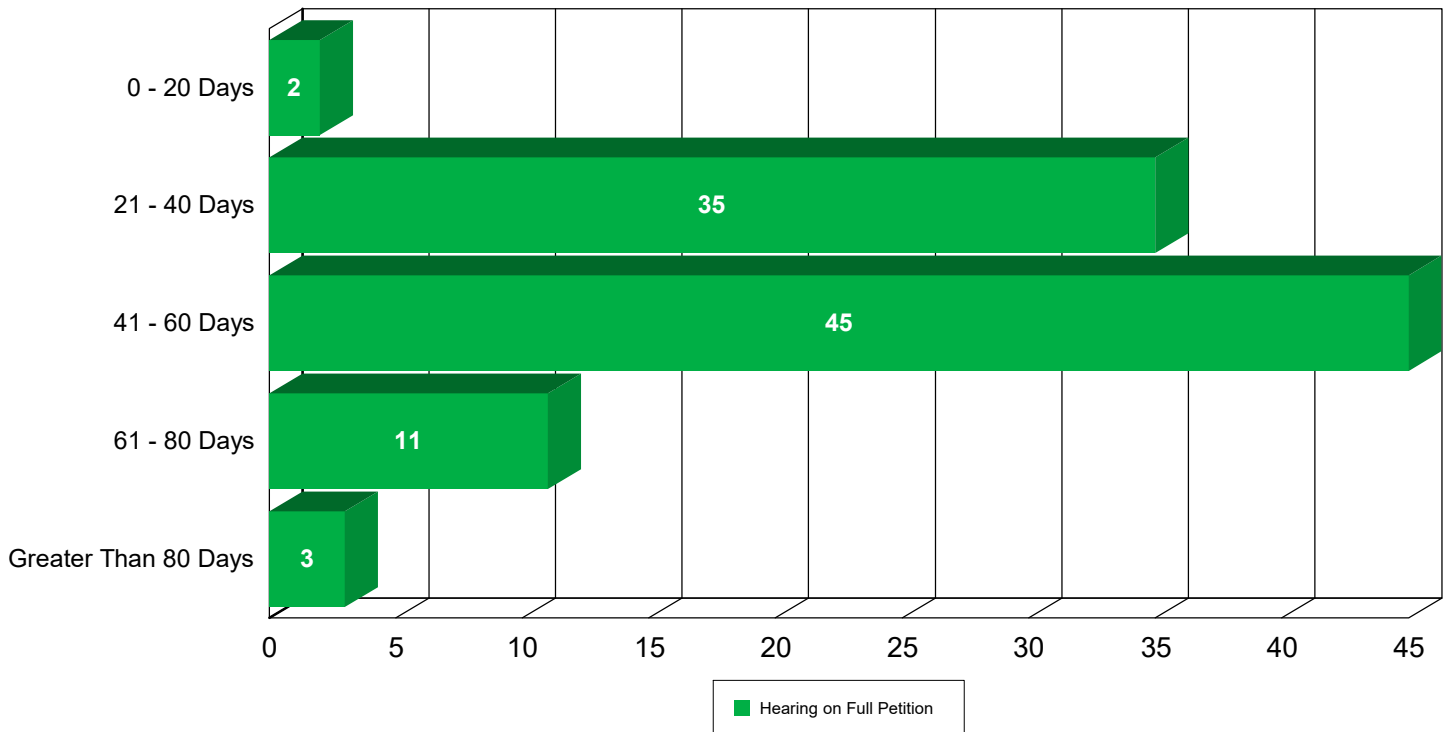
NPCS 3.3.8 Hearing

- 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	26	27	3	1	57
	Continued	1	8	14	7	1	31
	Others	0	1	2	1	0	4
	Dismissed	0	0	1	0	1	2
	Denied	1	0	0	0	0	1
	Heard	0	0	1	0	0	1
Total		2	35	45	11	3	96

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.

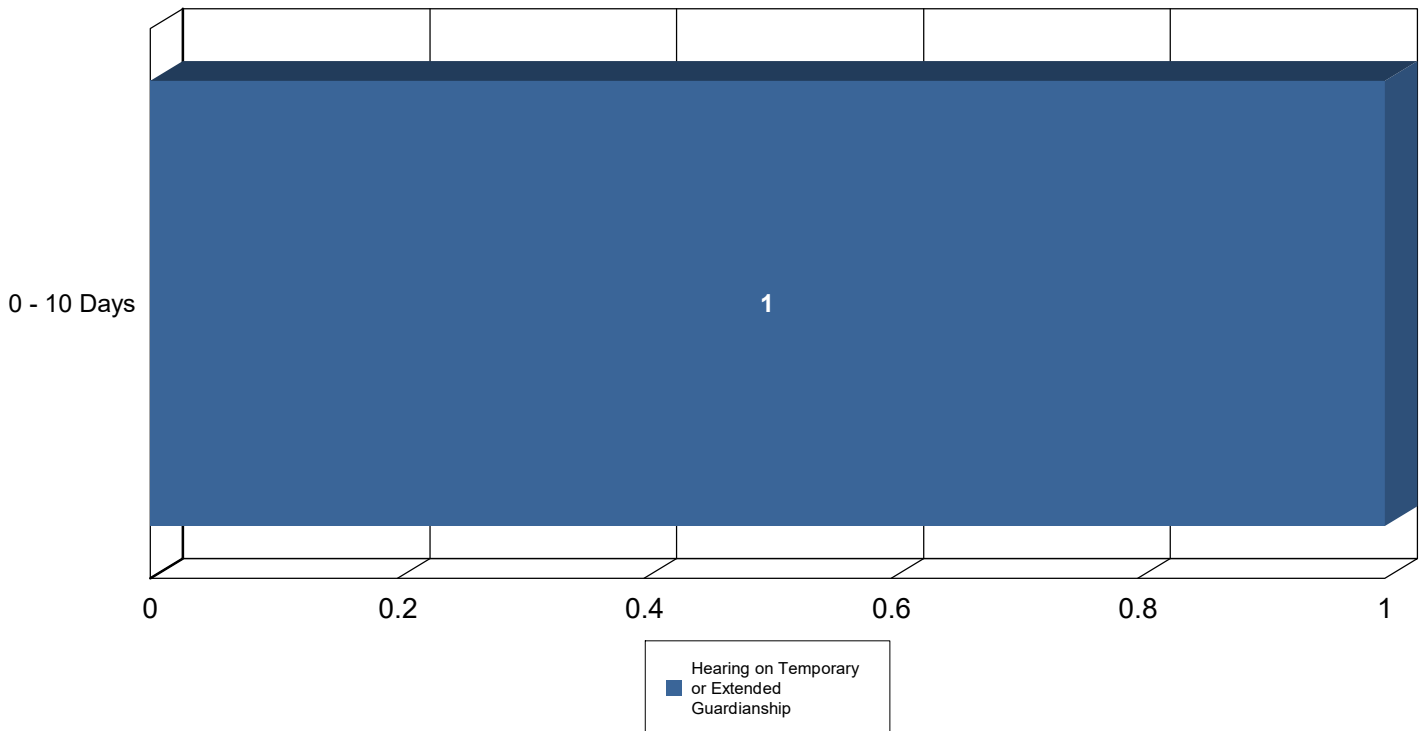
NPCS 3.3.8 Hearing

- 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

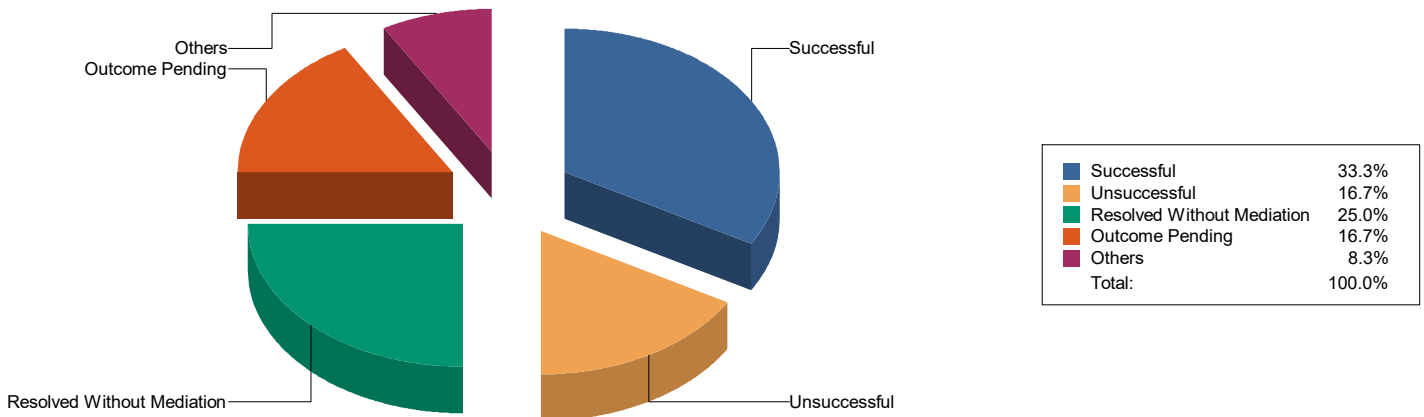
A. Probate courts should find that no less intrusive appropriate alternatives exist before the appointment of a guardian or conservator.

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>7/2017</u>	<u>8/2017</u>	<u>9/2017</u>	<u>10/2017</u>	<u>11/2017</u>	<u>12/2017</u>	<u>1/2018</u>	<u>4/2018</u>	<u>5/2018</u>	<u>Total</u>
Successful	0	1	1	0	0	2	0	0	0	4
Unsuccessful	1	0	0	1	0	0	0	0	0	2
Resolved Without Mediation	0	0	0	0	1	0	1	1	0	3
Outcome Pending	0	0	0	0	0	0	1	0	1	2
Others	0	0	0	1	0	0	0	0	0	1
Total	1	1	1	2	1	2	2	1	1	12

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

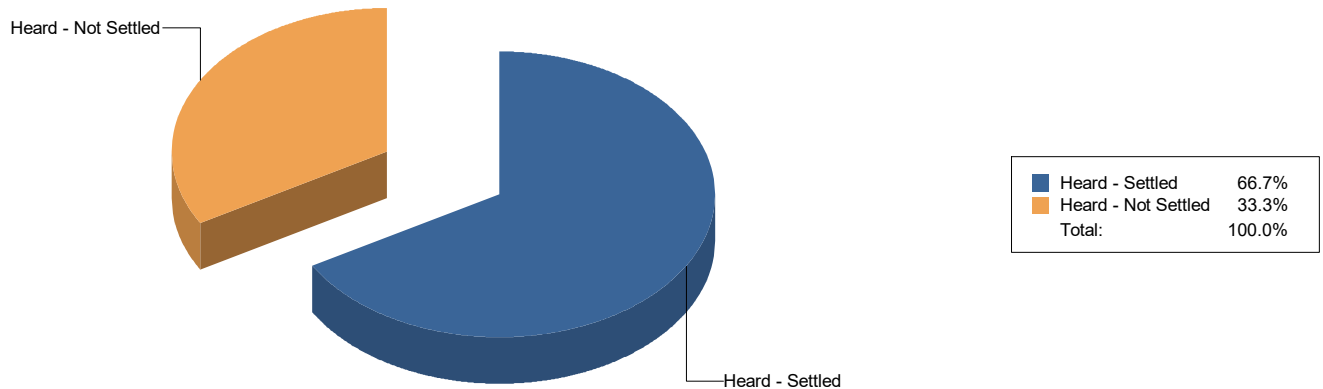
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NPCS 3.3.10 Less Intrusive Alternatives

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- 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>8/2017</u>	<u>4/2018</u>	<u>Total</u>
Heard - Settled	0	2	2
Heard - Not Settled	1	0	1
Total	1	2	3

Settlement Conferences



Additional Caseload Statistics

2.3 - Annual Reports and Inventories Filed

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

	<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>1/2018</u>	<u>2/2018</u>	<u>3/2018</u>	<u>4/2018</u>	<u>5/2018</u>	Total
Accounting	12	15	20	11	17	12	12	8	16	13	15	17	168
Annual Report of Guardian	68	50	78	48	69	35	49	38	53	56	64	75	683
Inventories	27	18	16	11	18	6	15	16	8	14	18	9	176
Total	107	83	114	70	104	53	76	62	77	83	97	101	1,027

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		12
		\$200,000 and up		1
		Total		15
	Summary	\$0 - \$10,000		7
	Total		7	
			Total	22
Guardianship - Person & Estate	Non-Summary	\$0 - \$10,000		3
		\$10,000 - \$20,000		12
		\$20,000 - \$200,000		88
		\$200,000 and up		74
		Total		177
	Summary	\$0 - \$10,000		501
	Total		501	
			Total	678
Guardianship - Person Only		\$0 - \$10,000		227
		Total		227
			Total	227
No Data Entered		Others		49
		Total		49
			Total	49

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:

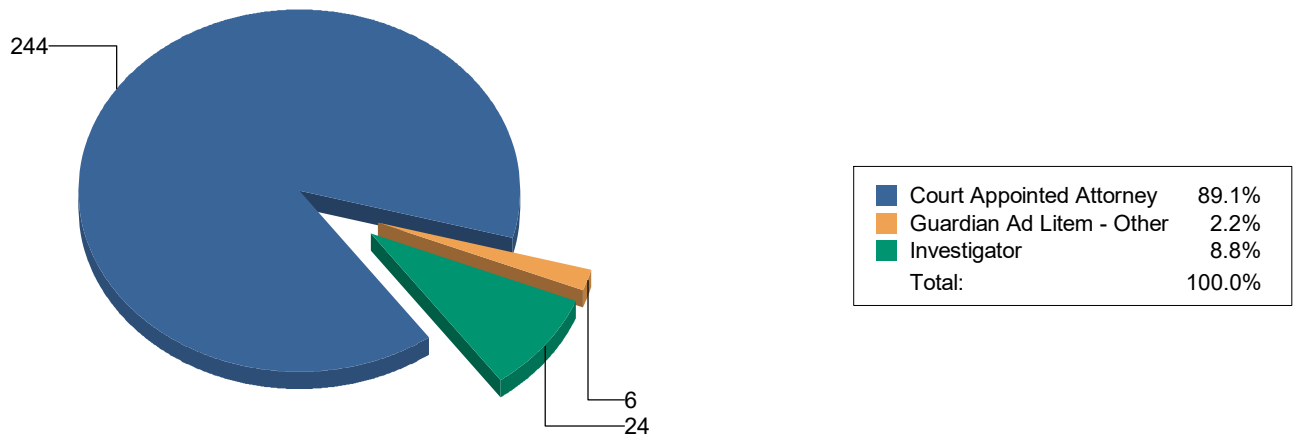
- (1) Requested by the respondent; or
- (2) Recommended by the visitor; or
- (3) The court determines that the respondent needs representation; or
- (4) Otherwise required by law.

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

	<u>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>1/2018</u>	<u>2/2018</u>	<u>3/2018</u>	<u>4/2018</u>	<u>5/2018</u>	<u>Total</u>
Court Appointed Attorney	6	16	36	9	13	22	8	10	10	27	25	62	244
Guardian Ad Litem - Other	0	0	0	0	1	1	0	3	0	1	0	0	6
Investigator	1	1	1	1	2	1	1	0	1	5	2	8	24
Total	7	17	37	10	16	24	9	13	11	33	27	70	274

Appointment of Counsel

Past 12 Full Months



Total Appointments: 274

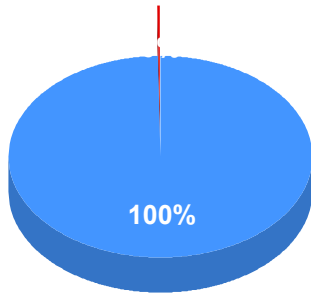
Compliance Reports

3.1 - Milestones for all Adult Guardianship Cases

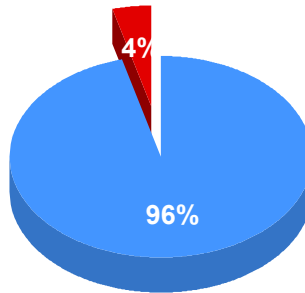
Every adult guardianship case requires the filing of the following:

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

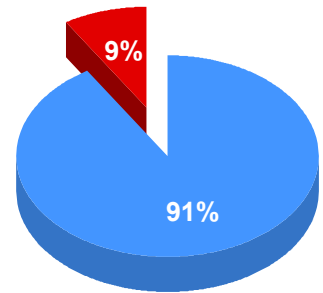
Compliance rate for **664** cases, filed from 2009 to present.



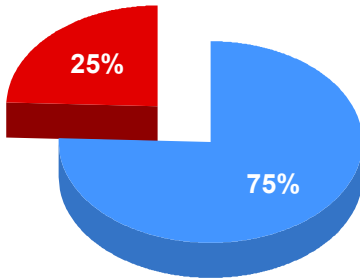
2715 - Ord Appointing Counsel



1910 - Letters of Guardianship



1780 - Guardian's Acknowledgment



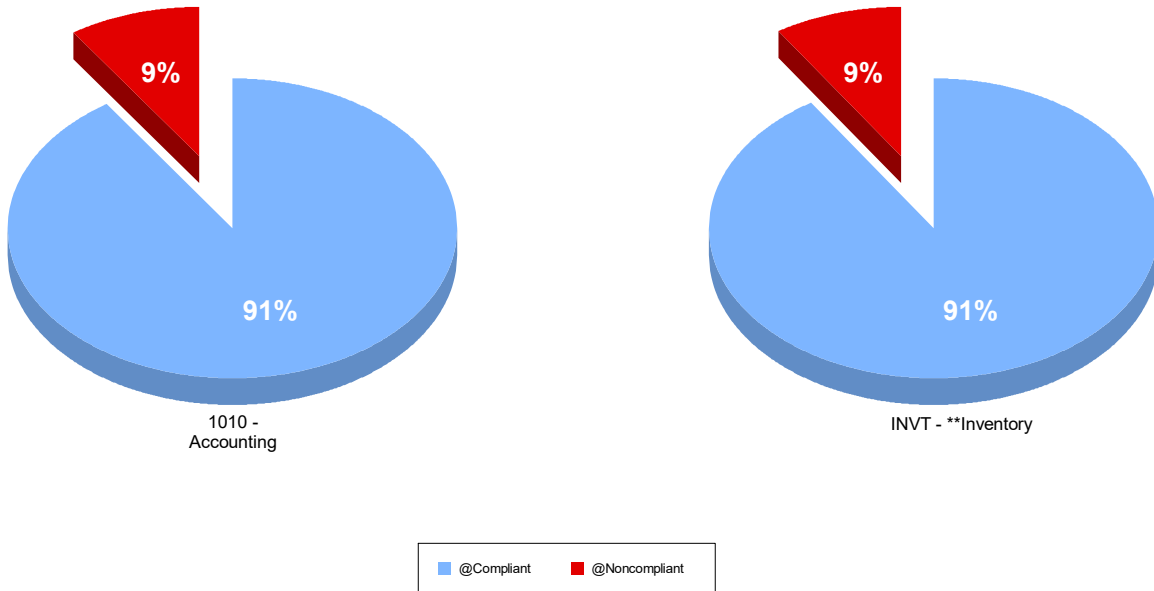
1125 - Annual Report of Guardian

■ @Compliant ■ @Noncompliant

Compliance Reports 3.2 - Inventories and Annual Accountings

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

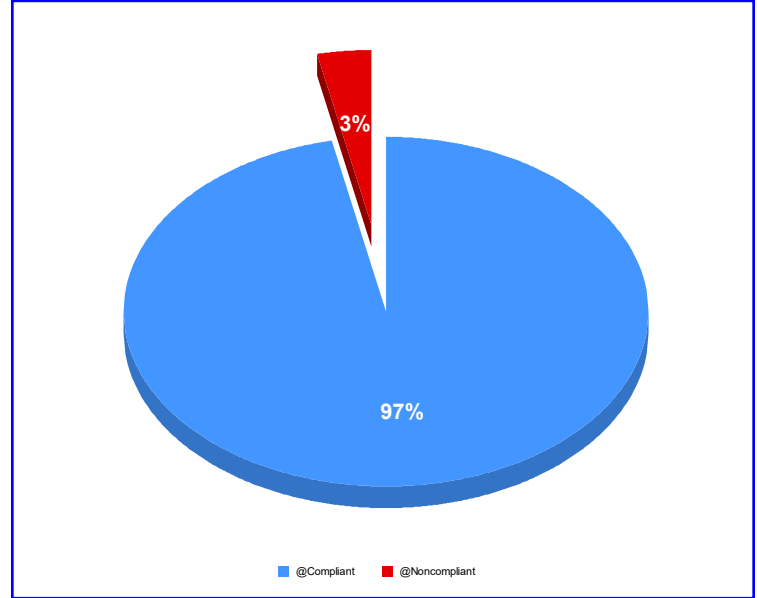
Compliance rate for **539** cases, filed from 2009 to present.



Compliance Reports
3.3 - Certificate of Compliance

Must be filed after completion of guardianship training.

Compliance rate for 144 cases, filed from 2009 to present.



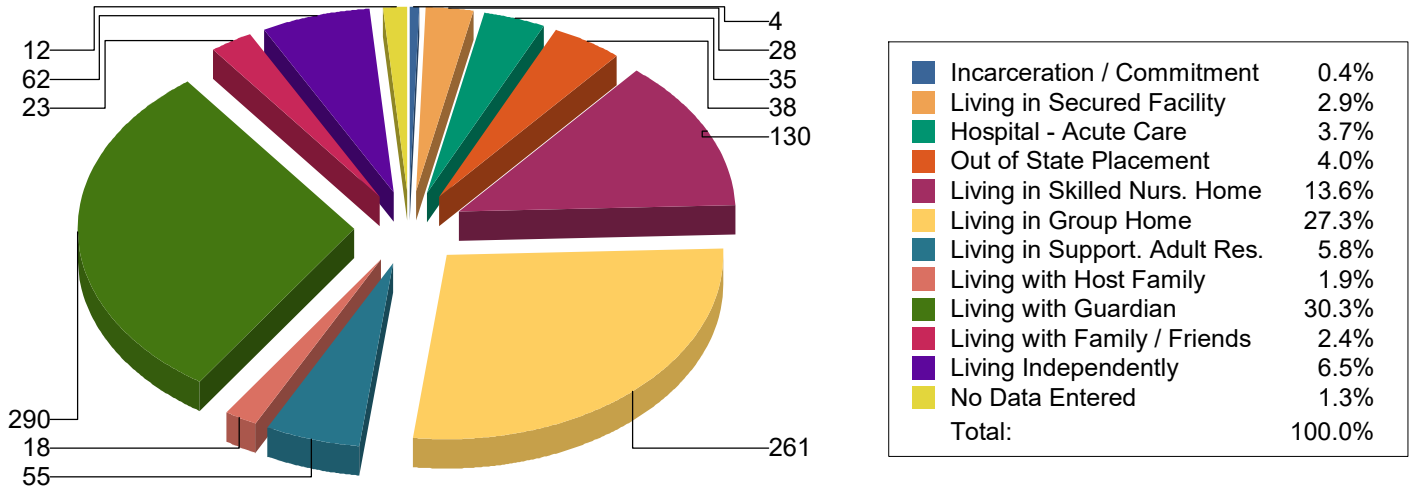
Demographics

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: 956

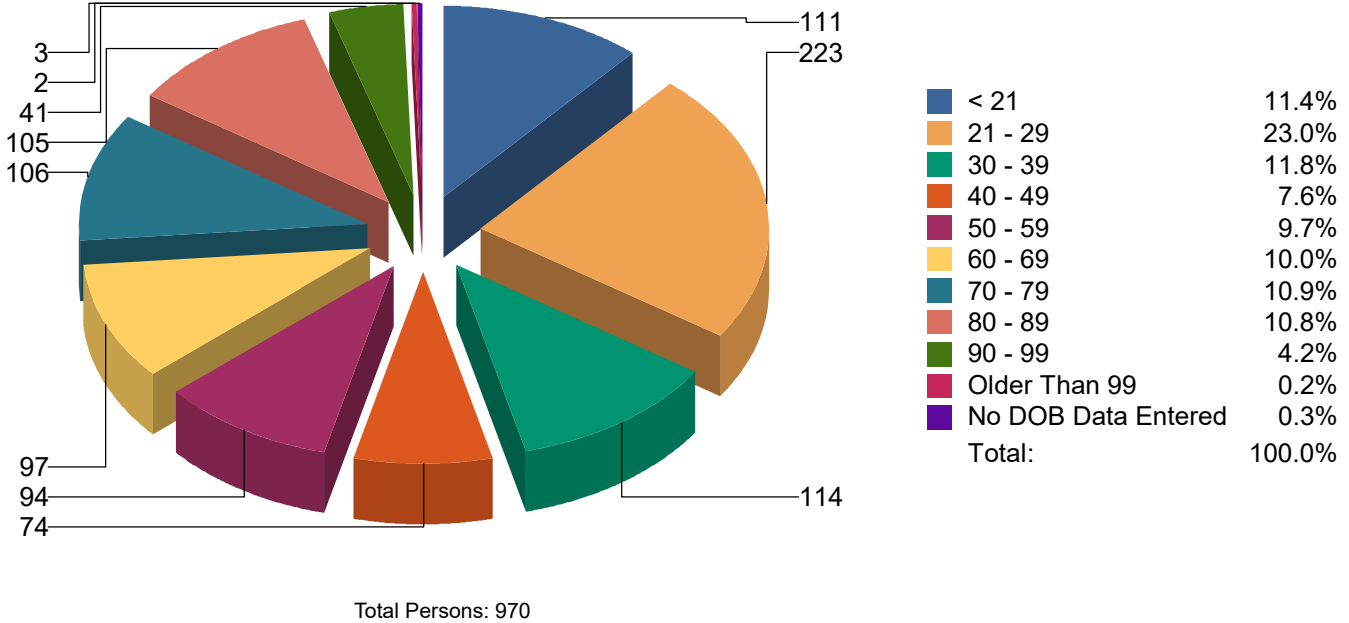
Demographics

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

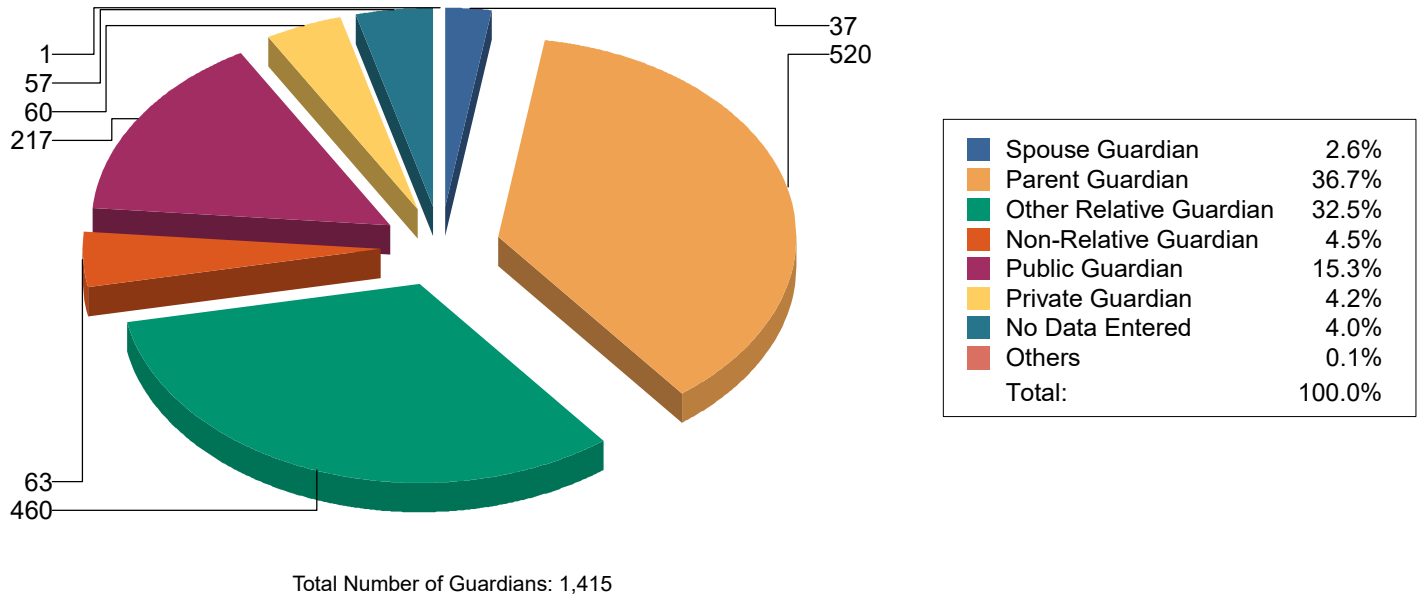


Demographics

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.