

# Second Judicial District Court



## State of Nevada Washoe County

May 2021

**Honorable Egan Walker**

### **Summary Monthly Adult Guardianship Case Status Report**

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## Caseload Reports

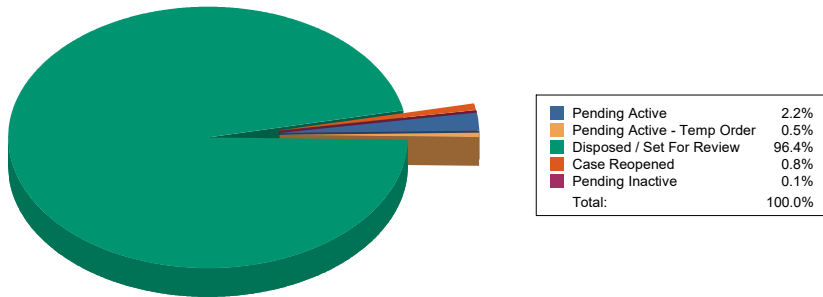
### 1.1 - Status of Pending Adult Guardianship Cases

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	9	1	0	0	0	19
Pending Active - Temp Order	1	2	1	0	0	0	4
<b>Disposed / Set For Review</b>	<b>153</b>	<b>455</b>	<b>127</b>	<b>73</b>	<b>12</b>	<b>5</b>	<b>825</b>
Case Reopened	3	2	1	1	0	0	7
Pending Inactive	0	0	0	1	0	0	1
<b>Total</b>	<b>166</b>	<b>468</b>	<b>130</b>	<b>75</b>	<b>12</b>	<b>5</b>	<b>856</b>

### 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.

**Reopened:** A count of cases in which judgments have previously been entered but which have been restored to the courts pending caseload due to the existing filing of a request to modify or enforce existing judgments.

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.

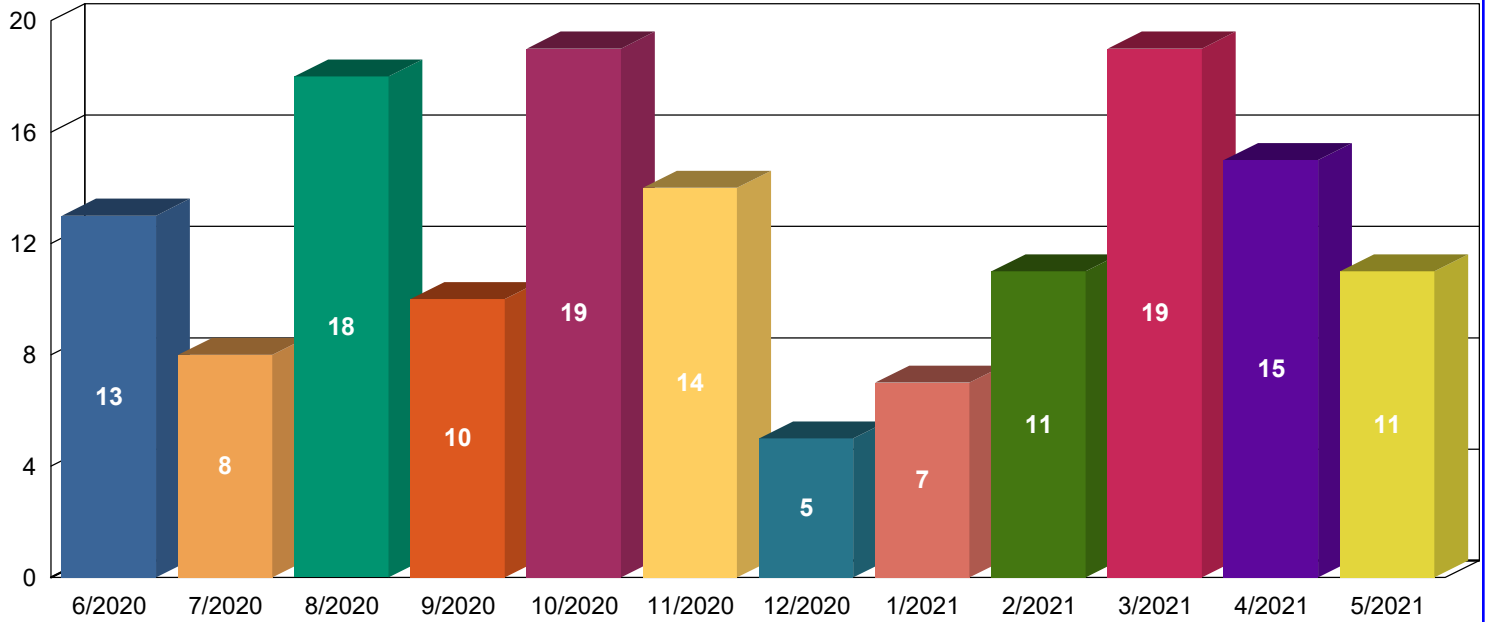
**Caseload Reports**

**1.2 - New Adult Guardianship Cases**

New Adult Guardianship cases filed in the previous 12 months.

**New Case Filings**

Last 12 Full Months



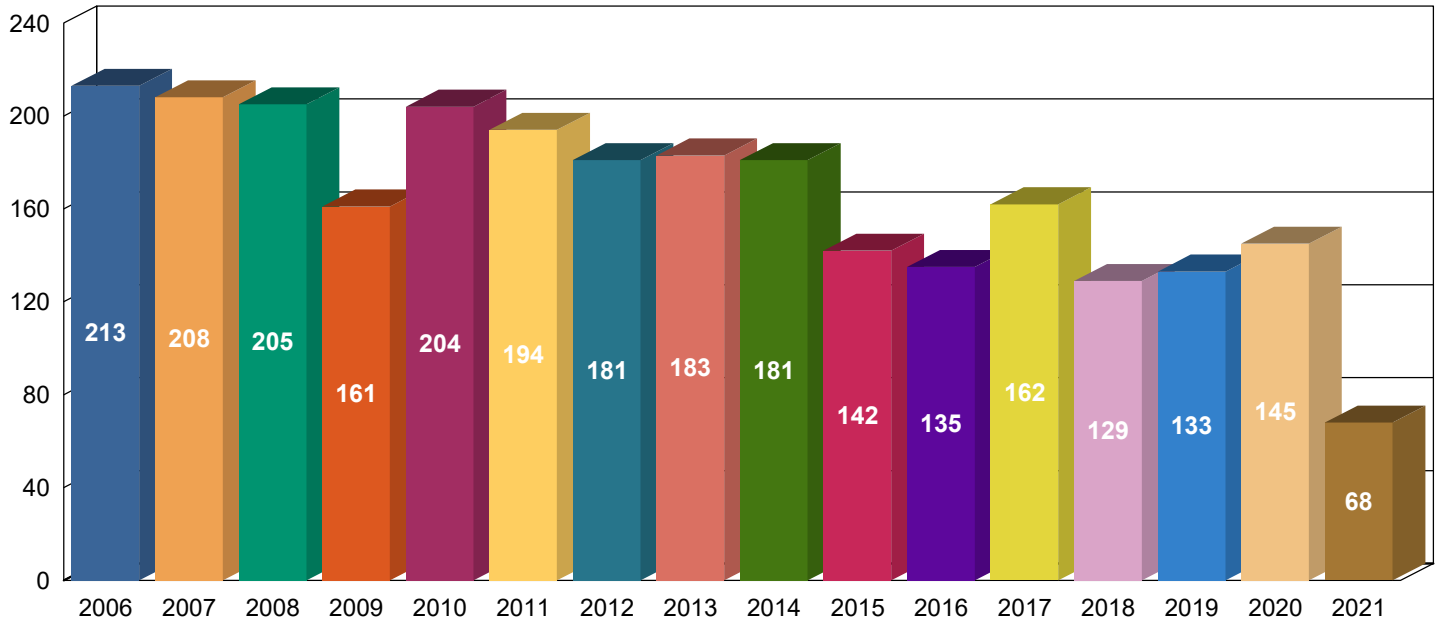
## Caseload Reports

### 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

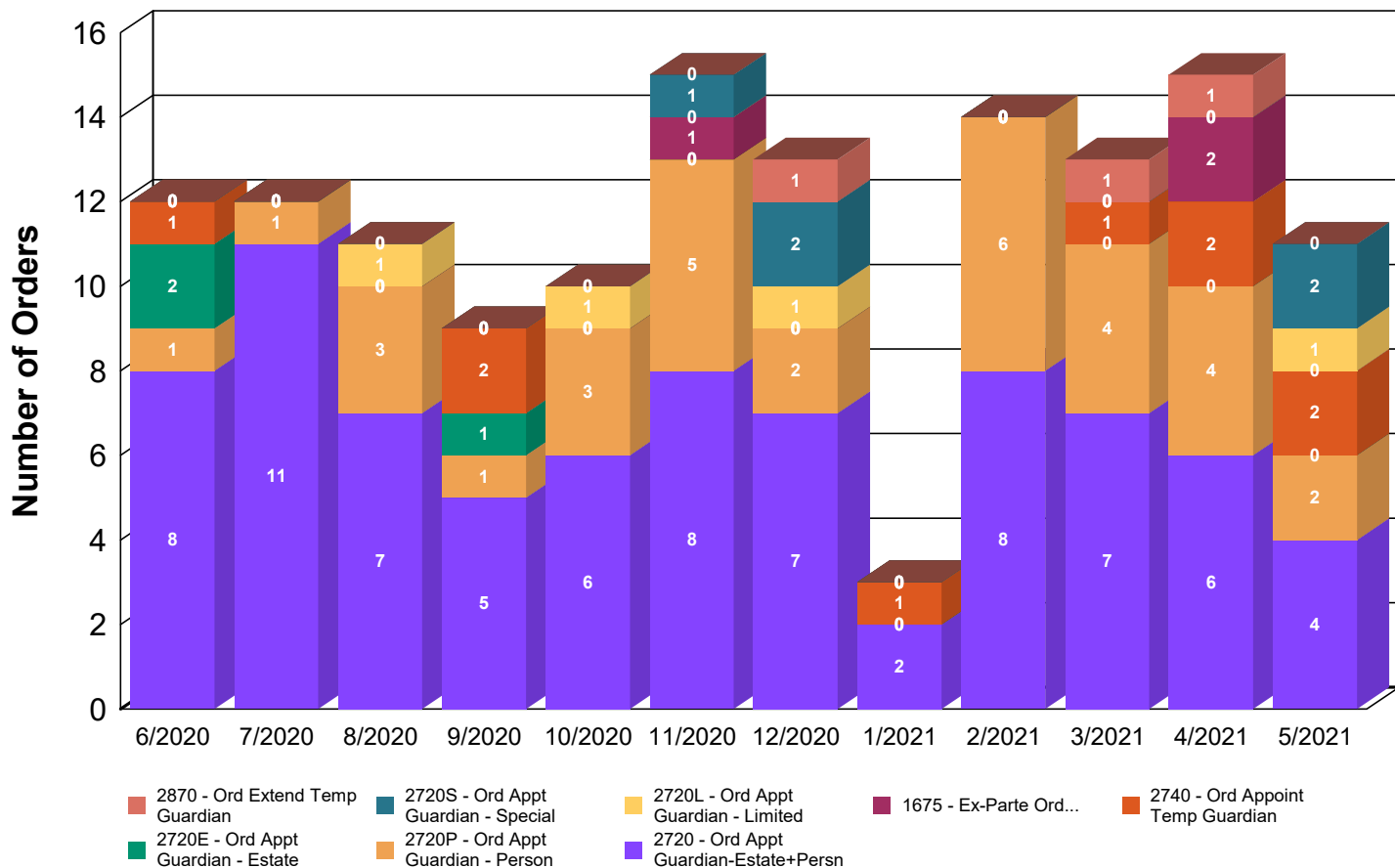
A. Probate courts should find that no less intrusive appropriate alternatives exist before the appointment of a guardian or conservator.

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 limit the scope of and tailor the guardianship or conservatorship order to the particular needs, functional capabilities, and limitations of the respondent.

	<u>6/2020</u>	<u>7/2020</u>	<u>8/2020</u>	<u>9/2020</u>	<u>10/2020</u>	<u>11/2020</u>	<u>12/2020</u>	<u>1/2021</u>	<u>2/2021</u>	<u>3/2021</u>	<u>4/2021</u>	<u>5/2021</u>	<u>Total</u>
2720 - Ord Appt Guardian-Estate+Persn	8	11	7	5	6	8	7	2	8	7	6	4	<b>79</b>
2720P - Ord Appt Guardian - Person	1	1	3	1	3	5	2	0	6	4	4	2	<b>32</b>
2720E - Ord Appt Guardian - Estate	2	0	0	1	0	0	0	0	0	0	0	0	<b>3</b>
2740 - Ord Appoint Temp Guardian	1	0	0	2	0	0	0	1	0	1	2	2	<b>9</b>
1675 - Ex-Parte Ord...	0	0	0	0	0	1	0	0	0	0	2	0	<b>3</b>
2720L - Ord Appt Guardian - Limited	0	0	1	0	1	0	1	0	0	0	0	1	<b>4</b>
2720S - Ord Appt Guardian - Special	0	0	0	0	0	1	2	0	0	0	0	2	<b>5</b>
2870 - Ord Extend Temp Guardian	0	0	0	0	0	0	1	0	0	1	1	0	<b>3</b>
<b>Total</b>	<b>12</b>	<b>12</b>	<b>11</b>	<b>9</b>	<b>10</b>	<b>15</b>	<b>13</b>	<b>3</b>	<b>14</b>	<b>13</b>	<b>15</b>	<b>11</b>	<b>138</b>

## 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>6/2020</u>	<u>7/2020</u>	<u>8/2020</u>	<u>9/2020</u>	<u>10/2020</u>	<u>11/2020</u>	<u>12/2020</u>	<u>1/2021</u>	<u>2/2021</u>	<u>3/2021</u>	<u>4/2021</u>	<u>5/2021</u>	<b>Total</b>
Average Number of Days	59.9	73.2	44.5	65.9	54.8	58.3	50.4	65.2	66.8	39.8	35.5	65.2	<b>57.02</b>

## Caseload Reports

### 1.5 - Adult Guardianship Cases Disposed.

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

	<u>6/2020</u>	<u>7/2020</u>	<u>8/2020</u>	<u>9/2020</u>	<u>10/2020</u>	<u>11/2020</u>	<u>12/2020</u>	<u>1/2021</u>	<u>2/2021</u>	<u>3/2021</u>	<u>4/2021</u>	<u>5/2021</u>	<u>Total</u>	
First Disposition	Bench N/J/T Judgment Reached	13	12	11	7	10	13	12	1	15	12	9	9	<b>124</b>
	Setld/Withdrn with Jud Conf/Hg	2	1	0	2	3	3	2	6	1	1	1	4	<b>26</b>
	Setld/Withdrn w/o Jud Conf/Hrg	1	0	1	3	2	2	1	3	0	1	2	4	<b>20</b>
	Transferred	0	0	0	1	0	1	0	0	1	2	1	0	<b>6</b>
	Other Manner of Disposition	0	0	0	0	1	0	0	0	0	1	2	1	<b>5</b>
	Involuntary Dismissal	0	0	1	0	0	0	0	0	0	2	0	0	<b>3</b>
	<b>Total</b>	<b>16</b>	<b>13</b>	<b>13</b>	<b>13</b>	<b>16</b>	<b>19</b>	<b>15</b>	<b>10</b>	<b>17</b>	<b>19</b>	<b>15</b>	<b>18</b>	<b>184</b>
Final Disposition	Guard: Death	11	10	9	12	5	10	5	7	4	11	9	12	<b>105</b>
	Guard: Restoration/Competency	1	1	0	2	0	2	1	0	5	0	4	5	<b>21</b>
	Order Term Guard or Final Actg	3	0	0	1	1	2	1	0	0	0	0	1	<b>9</b>
	<b>Total</b>	<b>15</b>	<b>11</b>	<b>9</b>	<b>15</b>	<b>6</b>	<b>14</b>	<b>7</b>	<b>7</b>	<b>9</b>	<b>11</b>	<b>13</b>	<b>18</b>	<b>135</b>

**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.

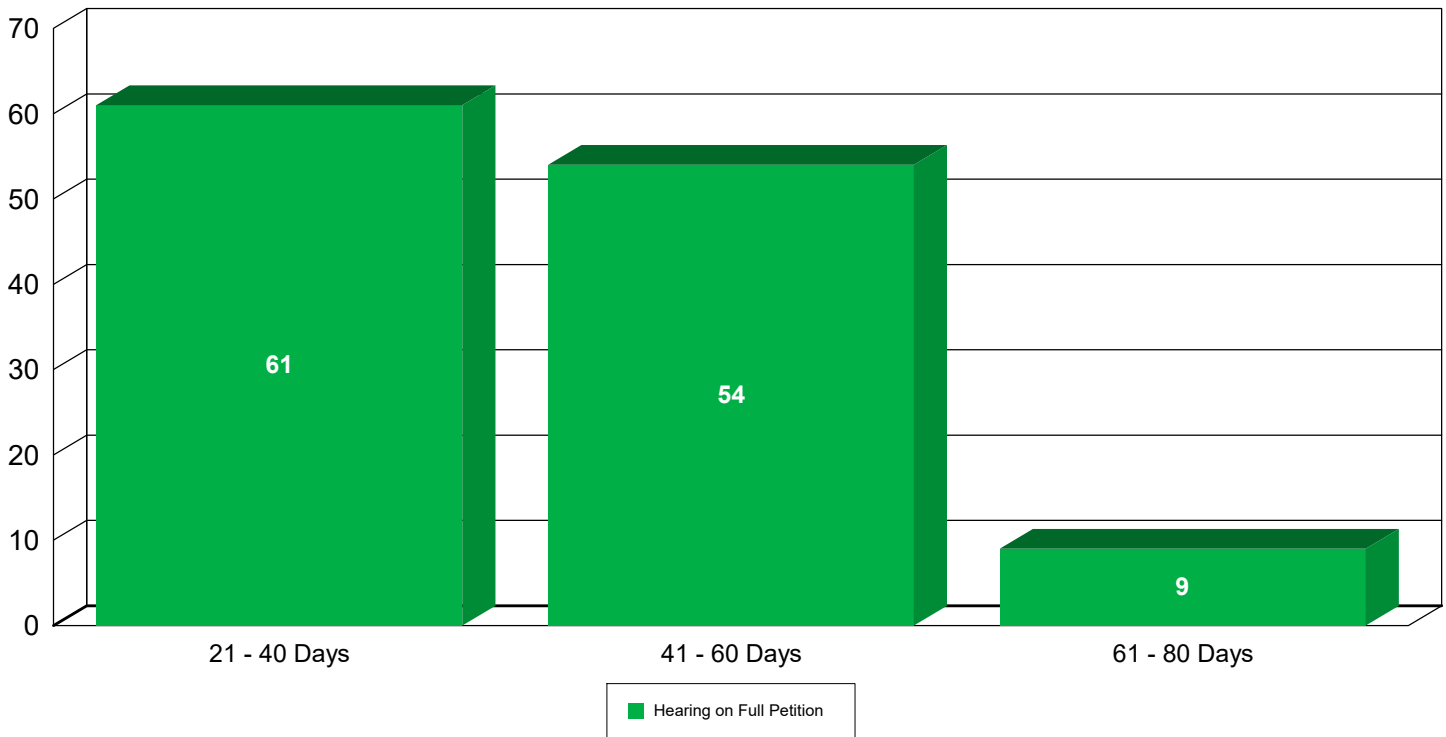
NPCS 3.3.8 Hearing

- 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 the 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>21 - 40 Days</u>	<u>41 - 60 Days</u>	<u>61 - 80 Days</u>	<u>Total</u>
<b>Hearing on Full Petition</b>	Granted	36	26	6	68
	Continued	14	14	3	31
	Vacated	6	9	0	15
	Dismissed	2	4	0	6
	Denied	2	1	0	3
	Others	1	0	0	1
<b>Total</b>		<b>61</b>	<b>54</b>	<b>9</b>	<b>124</b>

## 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.

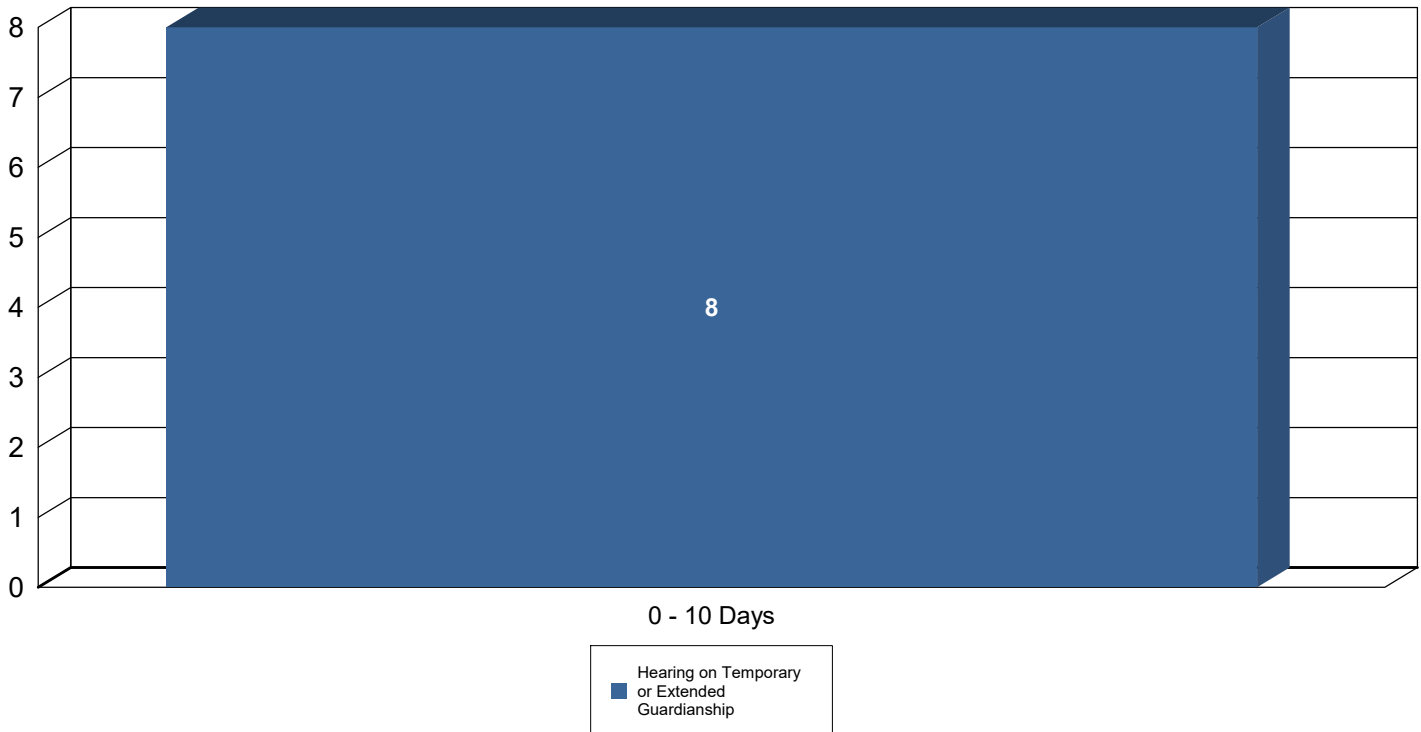
##### NPCS 3.3.8 Hearing

- 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 the 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>
<b>Hearing on Temporary or Extended Guardianship</b>	Granted	4	4
	Continued	2	2
	Denied	1	1
	Dismissed	1	1
	<b>Total</b>	<b>8</b>	<b>8</b>

## 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

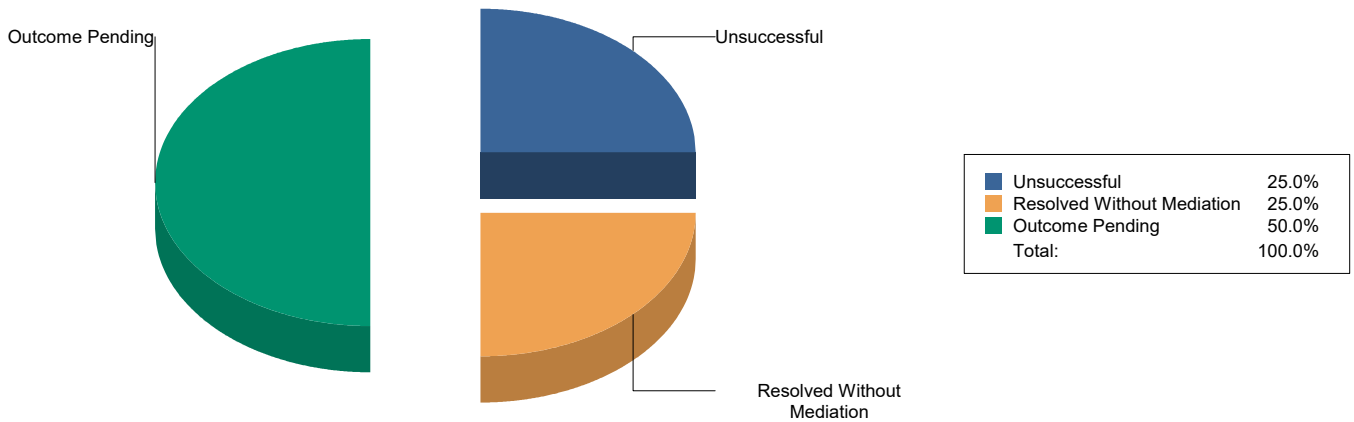
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NPCS 3.3.10 Less Intrusive Alternatives

- 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>8/2020</u>	<u>10/2020</u>	<u>12/2020</u>	<u>4/2021</u>	<u>Total</u>
Unsuccessful	0	0	1	0	1
Resolved Without Mediation	0	1	0	0	1
Outcome Pending	1	0	0	1	2
<b>Total</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>4</b>

**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

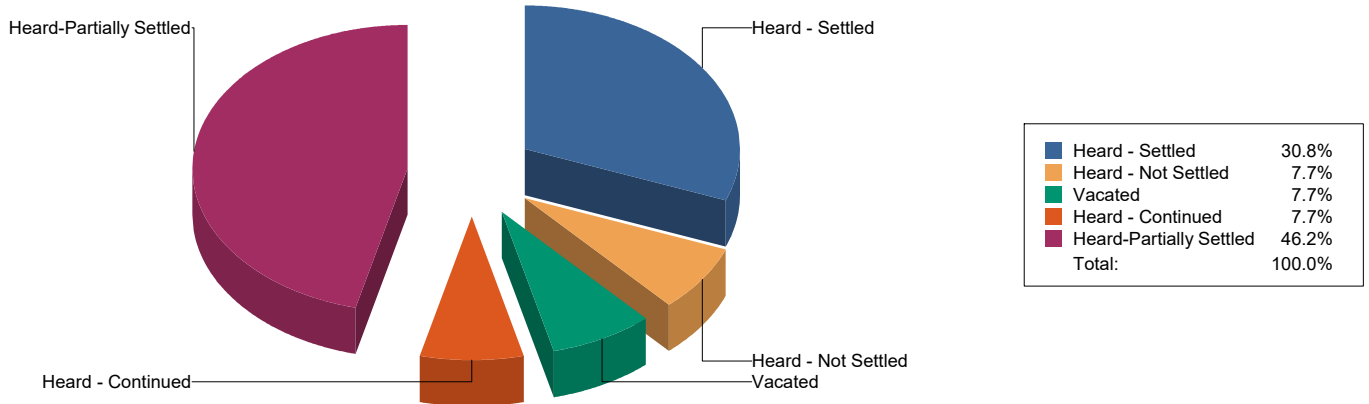
Probate courts should encourage the appropriate use of less intrusive alternatives to formal guardianship and conservatorship proceedings.

#### NPCS 3.3.10 Less Intrusive Alternatives

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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.

	6/2020	7/2020	8/2020	10/2020	11/2020	1/2021	2/2021	3/2021	4/2021	Total
Heard - Settled	0	1	1	0	1	0	0	0	1	4
Heard - Not Settled	1	0	0	0	0	0	0	0	0	1
Vacated	0	0	0	1	0	0	0	0	0	1
Heard - Continued	0	0	0	0	0	0	1	0	0	1
Heard-Partially Settled	1	1	0	2	0	1	0	1	0	6
<b>Total</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>13</b>

### 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>6/2020</u>	<u>7/2020</u>	<u>8/2020</u>	<u>9/2020</u>	<u>10/2020</u>	<u>11/2020</u>	<u>12/2020</u>	<u>1/2021</u>	<u>2/2021</u>	<u>3/2021</u>	<u>4/2021</u>	<u>5/2021</u>	<b>Total</b>
Accounting	14	11	17	14	14	9	22	12	12	12	17	9	<b>163</b>
Annual Report of Guardian	45	67	74	75	63	45	71	49	49	75	61	53	<b>727</b>
Inventories	15	11	12	16	11	4	9	6	10	8	14	3	<b>119</b>
<b>Total</b>	<b>74</b>	<b>89</b>	<b>103</b>	<b>105</b>	<b>88</b>	<b>58</b>	<b>102</b>	<b>67</b>	<b>71</b>	<b>95</b>	<b>92</b>	<b>65</b>	<b>1,009</b>

### 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	<b>Total</b>	2
		\$10,000 - \$20,000		1
		\$20,000 - \$200,000		6
		\$200,000 and up		7
		<b>Total</b>		<b>16</b>
	Summary	\$0 - \$10,000		5
	<b>Total</b>		<b>5</b>	
			<b>Total</b>	<b>21</b>
Guardianship - Person & Estate	Non-Summary	\$0 - \$10,000		4
		\$10,000 - \$20,000		13
		\$20,000 - \$200,000		63
		\$200,000 and up		59
		<b>Total</b>		<b>139</b>
	Summary	\$0 - \$10,000		381
	<b>Total</b>		<b>381</b>	
			<b>Total</b>	<b>520</b>
Guardianship - Person Only		\$0 - \$10,000		290
		\$200,000 and up		1
		<b>Total</b>		<b>291</b>
			<b>Total</b>	<b>291</b>
No Data Entered		Others		32
		<b>Total</b>		<b>32</b>
				<b>Total</b>

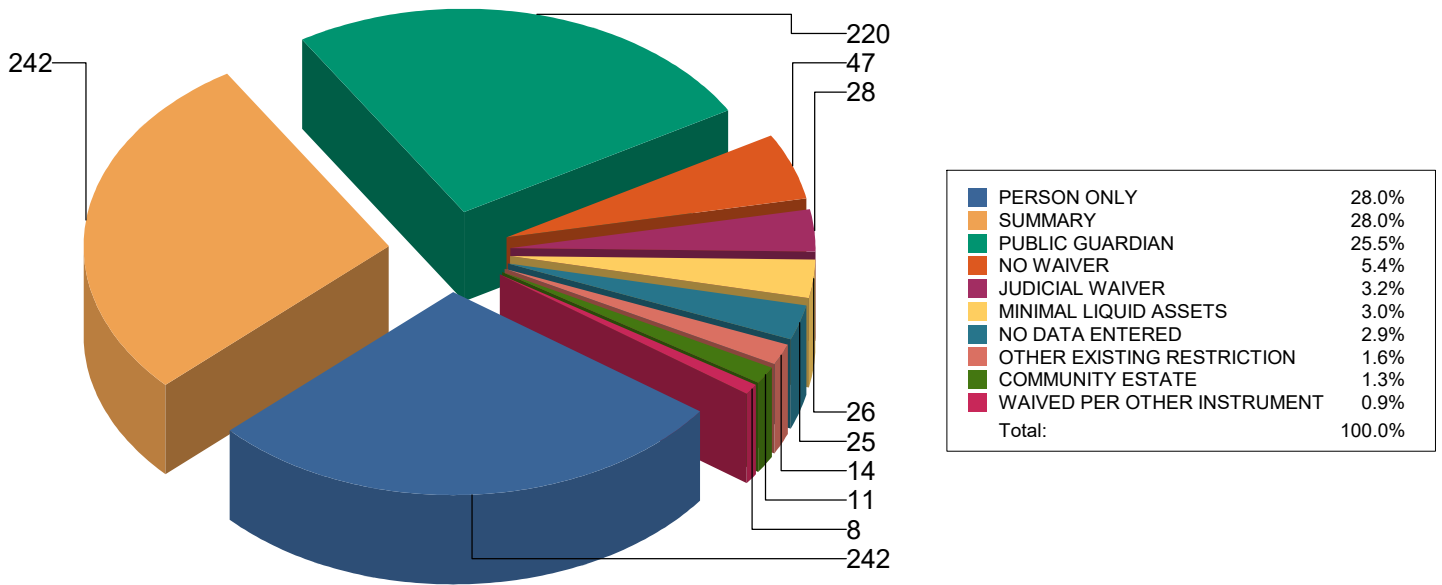
**Approximate Combined Values of Estates: \$125,842,385.00**

## Additional Caseload Statistics

### 2.5 - Blocked Trust Account / Bond Waiver Information

	Total
PERSON ONLY	242
SUMMARY	242
PUBLIC GUARDIAN	220
NO WAIVER	47
JUDICIAL WAIVER	28
MINIMAL LIQUID ASSETS	26
NO DATA ENTERED	25
OTHER EXISTING RESTRICTION	14
COMMUNITY ESTATE	11
WAIVED PER OTHER INSTRUMENT	8
<b>Total</b>	<b>863</b>

## Waiver Reasons



## Additional Caseload Statistics

### 2.6 - 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:

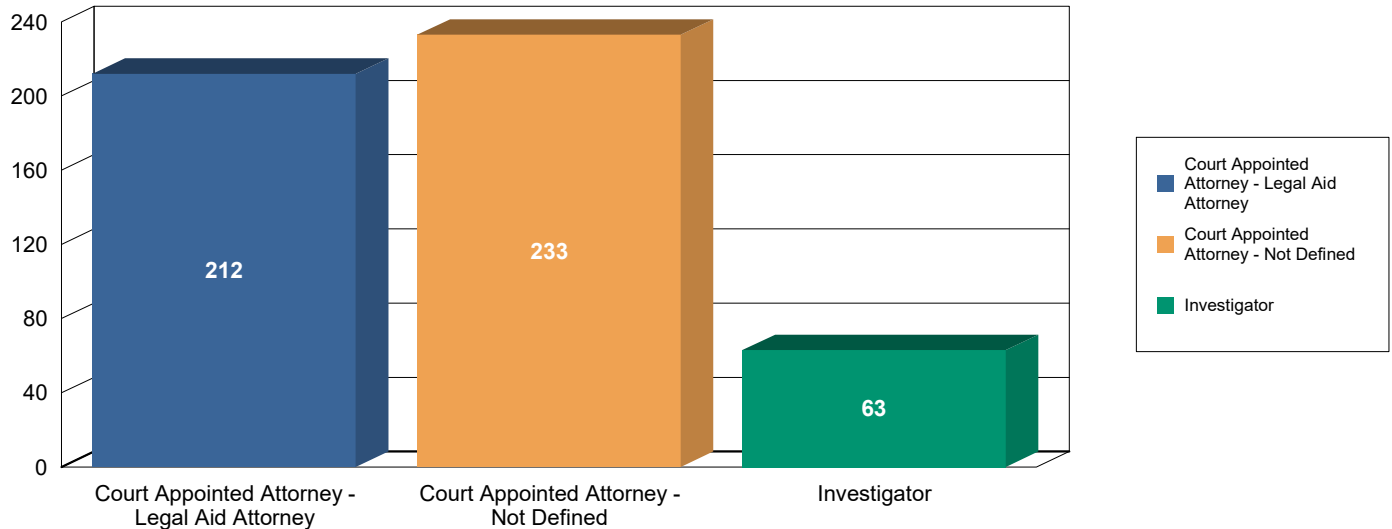
- (1) Requested by the respondent; or
- (2) Recommended by the visitor; or
- (3) The court determines that the respondent needs representation; or
- (4) Otherwise required by law.

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

	6/2020	7/2020	8/2020	9/2020	10/2020	11/2020	12/2020	1/2021	2/2021	3/2021	4/2021	5/2021	Total
Court Appointed Attorney - Legal Aid Attorney	24	18	23	26	20	10	9	11	14	32	19	6	212
Court Appointed Attorney - Not Defined	4	0	4	4	8	8	0	8	4	65	60	68	233
Investigator	3	8	7	11	4	7	4	6	4	3	1	5	63
<b>Total</b>	<b>31</b>	<b>26</b>	<b>34</b>	<b>41</b>	<b>32</b>	<b>25</b>	<b>13</b>	<b>25</b>	<b>22</b>	<b>100</b>	<b>80</b>	<b>79</b>	<b>508</b>

## Appointment of Counsel

Past 12 Full Months



**Total Appointments: 508**

Please Note: The 'Investigator' category includes appointment of Washoe County Public Guardian and/or the State Guardianship Compliance Office on a case.

## Compliance Reports

### 3.1 - Required Guardianship Information Sheet

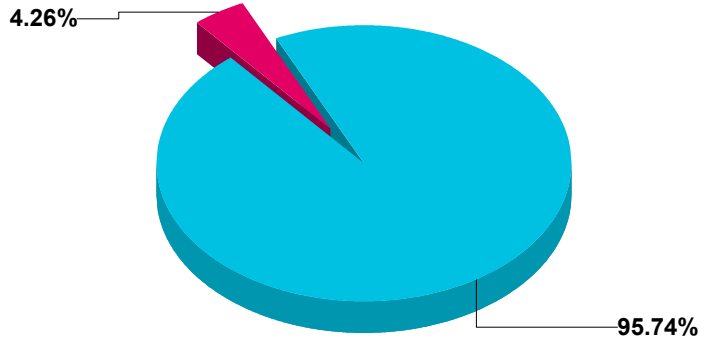
#### Confidential Information Sheet

Proper forms of identification for the proposed guardians and proposed protected person are required, pursuant to NRS 159.044(2)(c) and NRS 159.044(2)(g). This document is required one time, at the initiation of every guardianship case.

Compliance rate for **846** cases.

Compliant: **810**

Noncompliant: **36**



## Compliance Reports

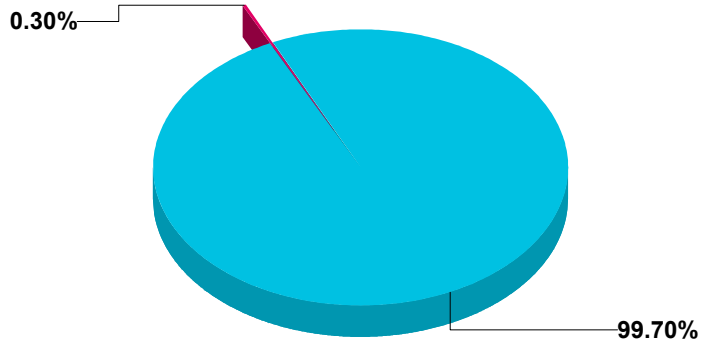
### 3.2 - Order Appointing Counsel

NRS 159.0485(1) requires appointment of an attorney on the proposed protected person's behalf when a petition for appointment of guardian is filed.

Compliance rate for **337** cases.

Compliant: **336**

Noncompliant: **1**



## Compliance Reports

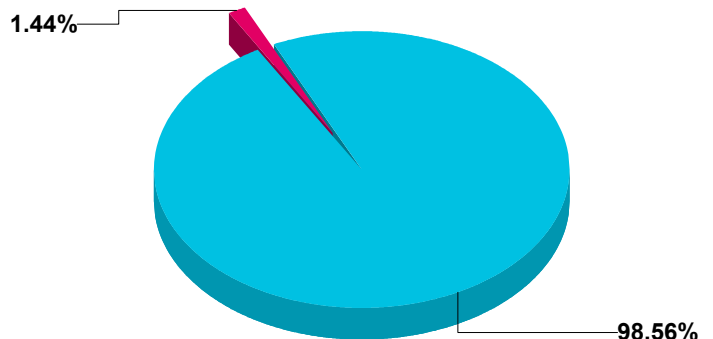
### 3.3 - Letters of Guardianship

Letters of guardianship are issued in every guardianship case, pursuant to NRS 159.075. This document is required upon the appointment of guardian. If there is a successor guardian, this document may be required more than one time in each case.

Compliance rate for **831** cases.

Compliant: **819**

Noncompliant: **12**



## Compliance Reports

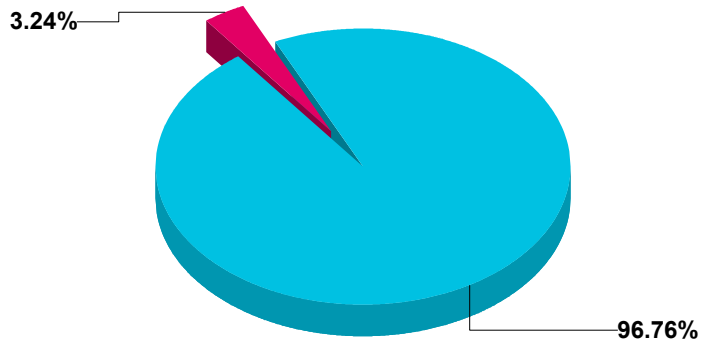
### 3.4 - Guardians Acknowledgment

Acknowledgment of Duties and Responsibilities are required in every guardianship case, pursuant to NRS 159.073. This document is required for each guardian upon appointment. If there is more than one guardian, or a successor guardian, this document may be required more than one time in each case. Public guardians and private professional guardians are not required to file an acknowledgment in each individual case to which they are appointed.

Compliance rate for **587** cases.

Compliant: **568**

Noncompliant: **19**



## Compliance Reports

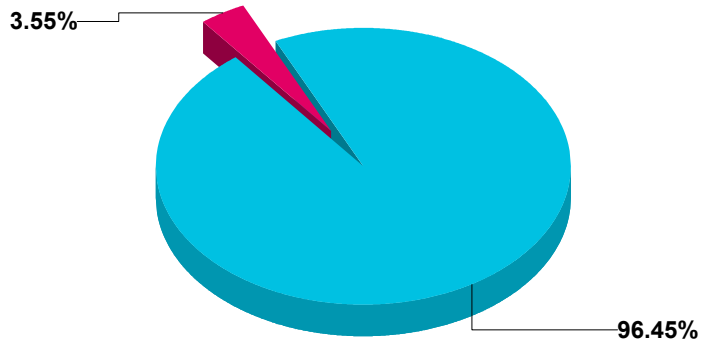
### 3.5 - Annual Report of Guardian

An Annual Report of Guardian is required in every guardianship of the person case, pursuant to NRS 159.081. The percentage rates capture the number of cases which are in compliance with the annual report milestone in the last 12 months. If there is more than one protected person in a case, this document may be required more than one time in each case in the last 12 months.

Compliance rate for **647** milestones.

Compliant: **624**

Noncompliant: **23**



## Compliance Reports

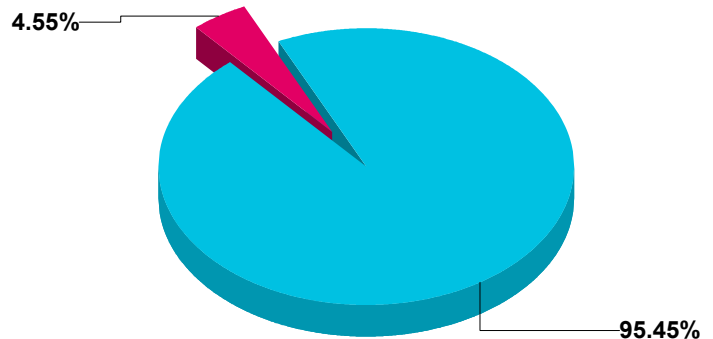
### 3.6 - Annual Accounting

An Annual Accounting is required each year in every guardianship of the estate case, pursuant to NRS 159.177. The percentage rates capture the number of cases which are in compliance with the annual account milestone in the last 12 months. If there is more than one protected person in a case, this document may be required more than one time in each case in the last 12 months.

Compliance rate for **110** milestones.

Compliant: **105**

Noncompliant: **5**





### Compliance Reports

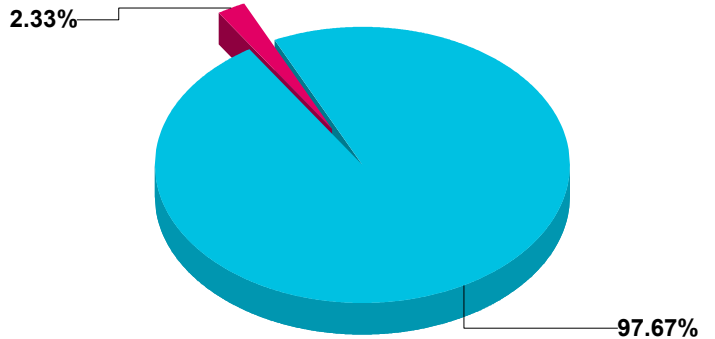
#### 3.7 - Inventory

Pursuant to NRS 159.085, an Inventory is required in every guardianship of the estate case, 60 days after the appointment of guardian, regardless of whether the estate is summarily administered under NRS 159.076. This document is required one time, at the initiation of every guardianship case.

Compliance rate for **559** cases.

Compliant: **546**

Noncompliant: **13**



### Compliance Reports

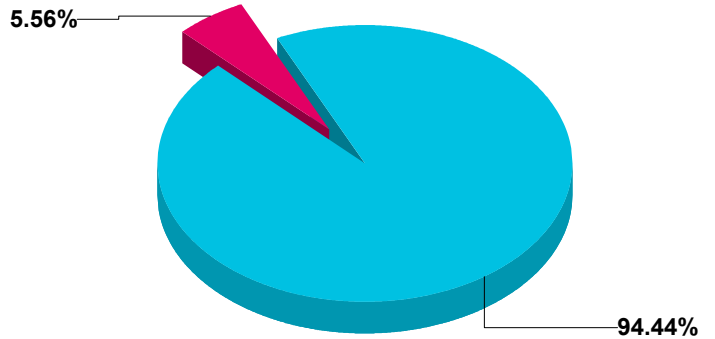
#### 3.8 - Proof of Blocked Trust Account

Proof of blocked trust is required in a limited number of guardianship of the estate cases, pursuant to NRS 159.065. This document is required one time, only when ordered by the court.

Compliance rate for **36** case(s).

Compliant: **34**

Noncompliant: **2**



### Compliance Reports

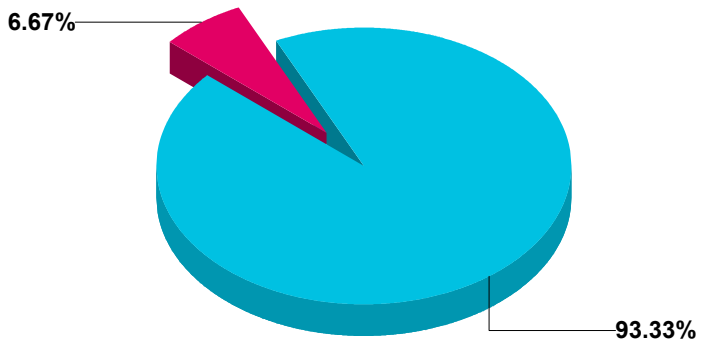
#### 3.9 - Proof of Bond

Proof of bond is required in guardianship of the estate cases, unless waived by the Court, pursuant to NRS 159.065. This document is required one time, only when ordered by the court.

Compliance rate for **15** case(s).

Compliant: **14**

Noncompliant: **1**



### Compliance Reports

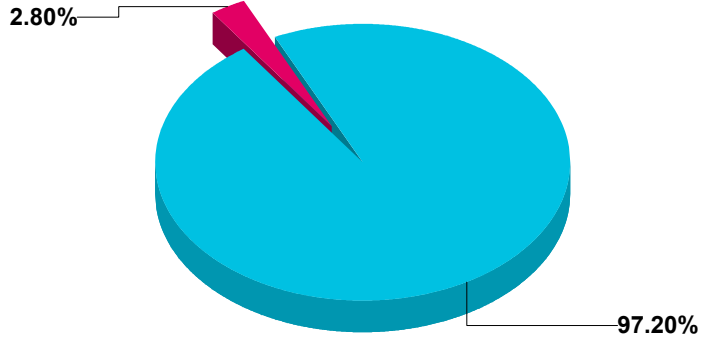
#### 3.10 - Certificate of Compliance

A Certificate of Compliance is required when the guardian is ordered to attend a guardianship training class, pursuant to NRS 159.0592. If there is more than one guardian, or a successor guardian, this document may be required more than one time in each case. Public guardians and private professional guardians are not required to attend a guardianship training class.

Compliance rate for **143** milestones.

Compliant: **139**

Noncompliant: **4**



### Compliance Reports

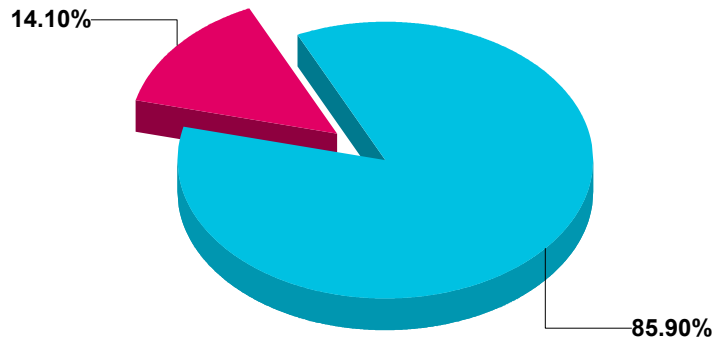
#### 3.11 - Order Setting Required Three Year Review Hearing

A review hearing is required every three years in guardianship of the person or summary administration cases, pursuant to Supreme Court ADKT 0507, Rule 11.

Compliance rate for **376** milestones.

Compliant: **323**

Noncompliant: **53**



### Compliance Reports

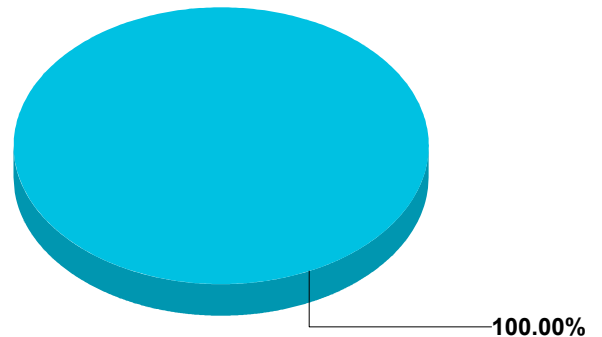
#### 3.12 - Notice of Firearms Restrictions

Upon appointment of a general guardian, the court must determine whether the protected person is prohibited from accessing or possessing a firearm and transmit the order for inclusion in the National Instant Background Check System. NRS 159.0593 and 18 U.S.C. § 922(d)(4) or (g)(4). Does not apply to minor cases.

Currently this represents compliance for **577** cases.

Compliant: **577**

Noncompliant: **0**



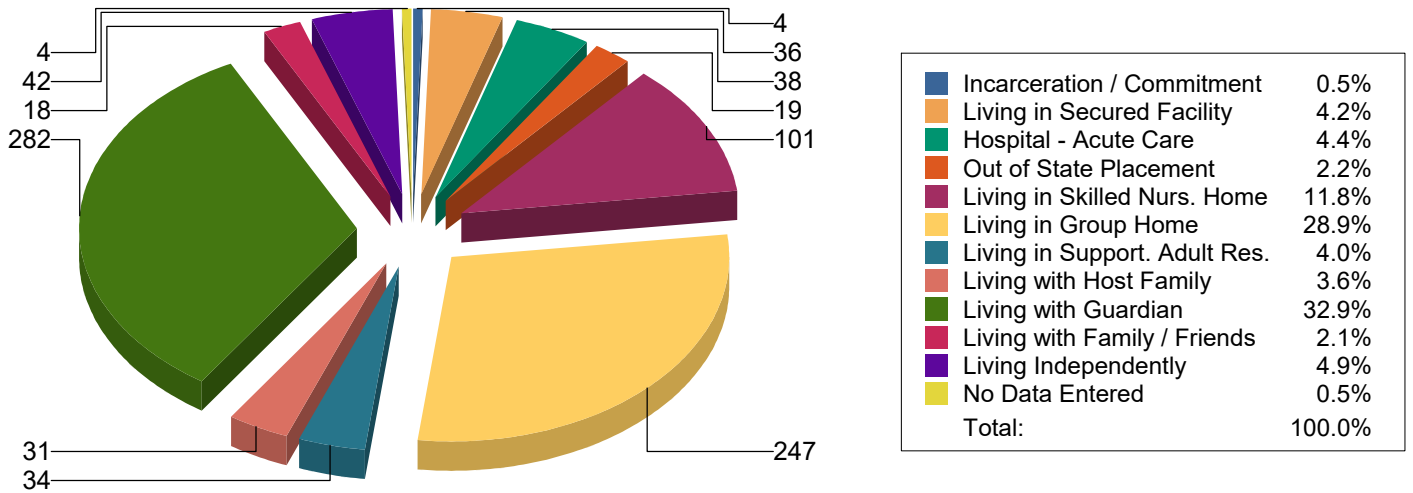
## Demographics

### 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: 856

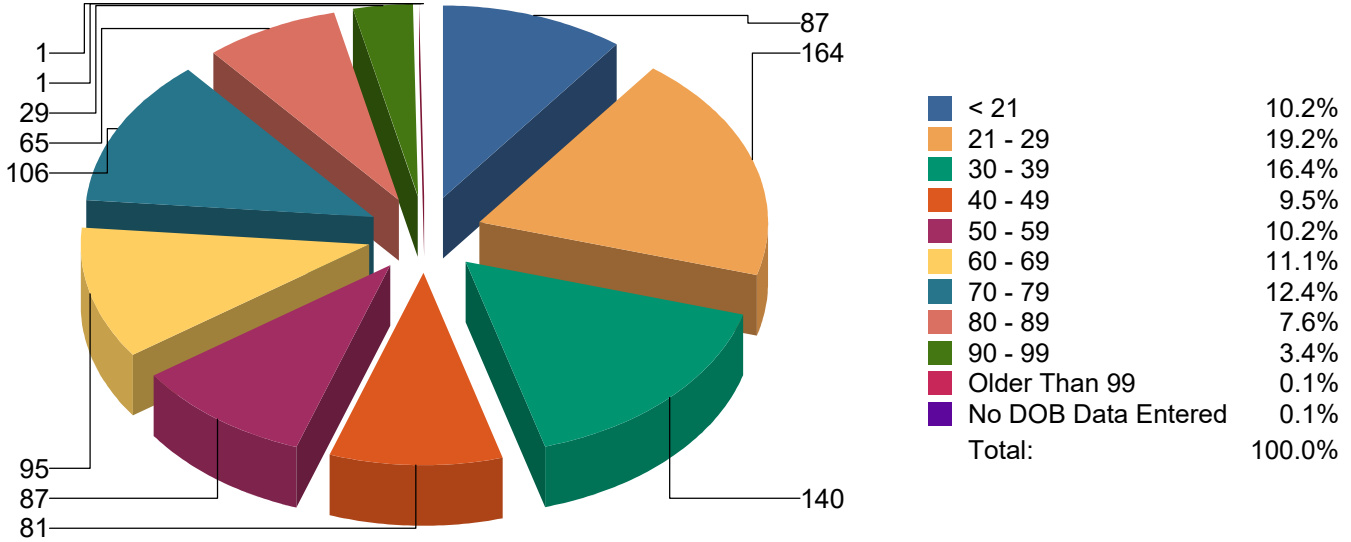
**Demographics**

**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



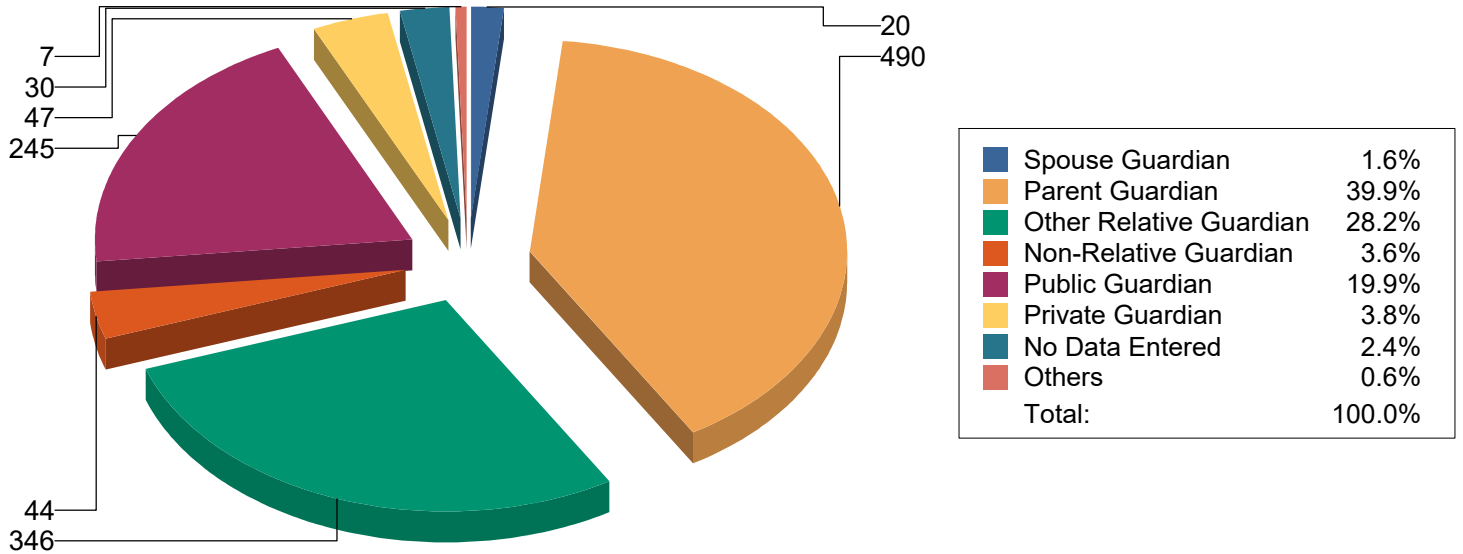
Total Persons: 856

**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



Total Number of Guardians: 1,229

Please note: There may be more than one guardian for the same protected person in some cases.

## **Appendix A. Statutory Authority for Types of Guardianships**

NRS 159 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 persons who are incapacitated whose home state is this State** (NRS 159.0487)

This is a General Guardianship over the Person, Estate or both over a person found to be incapacitated 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 persons who are incapacitated who, although not residents of this State, are physically present in this State and whose welfare requires such an appointment** (NRS 159.0487)

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 persons who are incapacitated who have property within this State** (NRS 159.0487)

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 incapacitated, and the proposed protected person has consented to the appointment of guardian. 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 protected person.

5. **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.

6. **Guardians ad litem** (NRS 159.0487 and NRS 159.0455)

This is an appointment of an individual to advocate for the protected person's best interests and which shall serve until relieved by court order. Guardians ad litem typically are not authorized to act unilaterally on the protected person's behalf without a court order.

## **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.