

# Second Judicial District Court



## State of Nevada Washoe County

July 2019

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

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**\*\*Section 3.0 Compliance Reports (Pages 13-16) has intentionally been left out of this report due to incomplete data.\*\***

## Caseload Reports

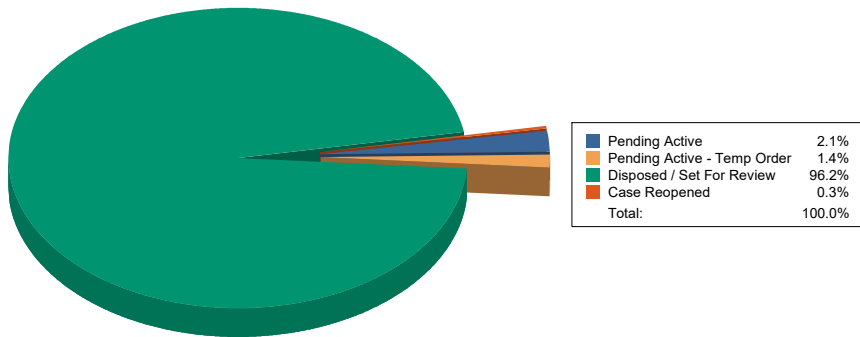
### 1.1 - Status of Pending Minor Guardianship Cases

Average Age of Case reflects time of initial petition to either time of disposition or current date. Please note, the total number of cases does NOT reflect the actual number of children in the program. Please refer to the placement chart later in this document for the number of minors.

	0 - 30 Days	31 - 60 Days	61 - 90 Days	91 - 180 Days	181 - 365 Days	Greater than 365 Days	Total
Pending Active	13	5	3	1	0	0	22
Pending Active - Temp Order	4	1	2	7	0	0	14
<b>Disposed / Set For Review</b>	<b>171</b>	<b>460</b>	<b>159</b>	<b>140</b>	<b>37</b>	<b>19</b>	<b>986</b>
Case Reopened	2	1	0	0	0	0	3
<b>Total</b>	<b>190</b>	<b>467</b>	<b>164</b>	<b>148</b>	<b>37</b>	<b>19</b>	<b>1,025</b>

### Pending Minor 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.

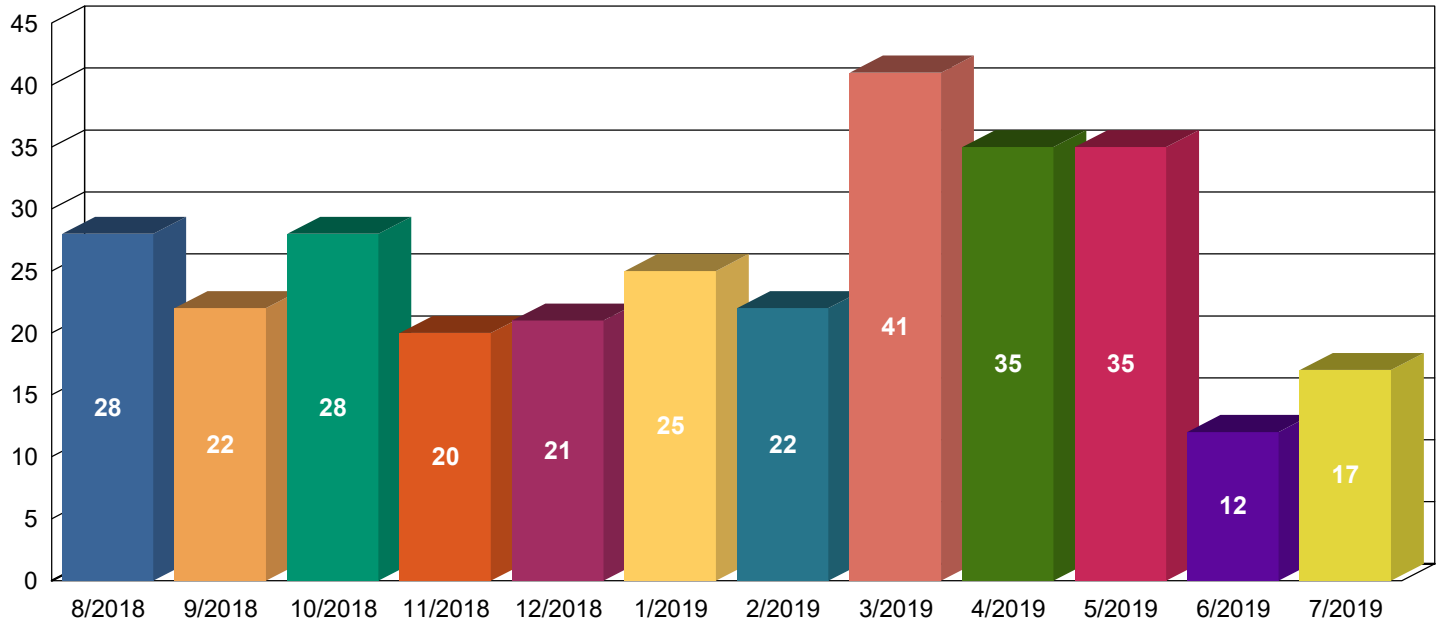
## Caseload Reports

### 1.2 - New Minor Guardianship Cases

New Minor Guardianship cases filed in the previous 12 months.

## New Case Filings

Last 12 Full Months



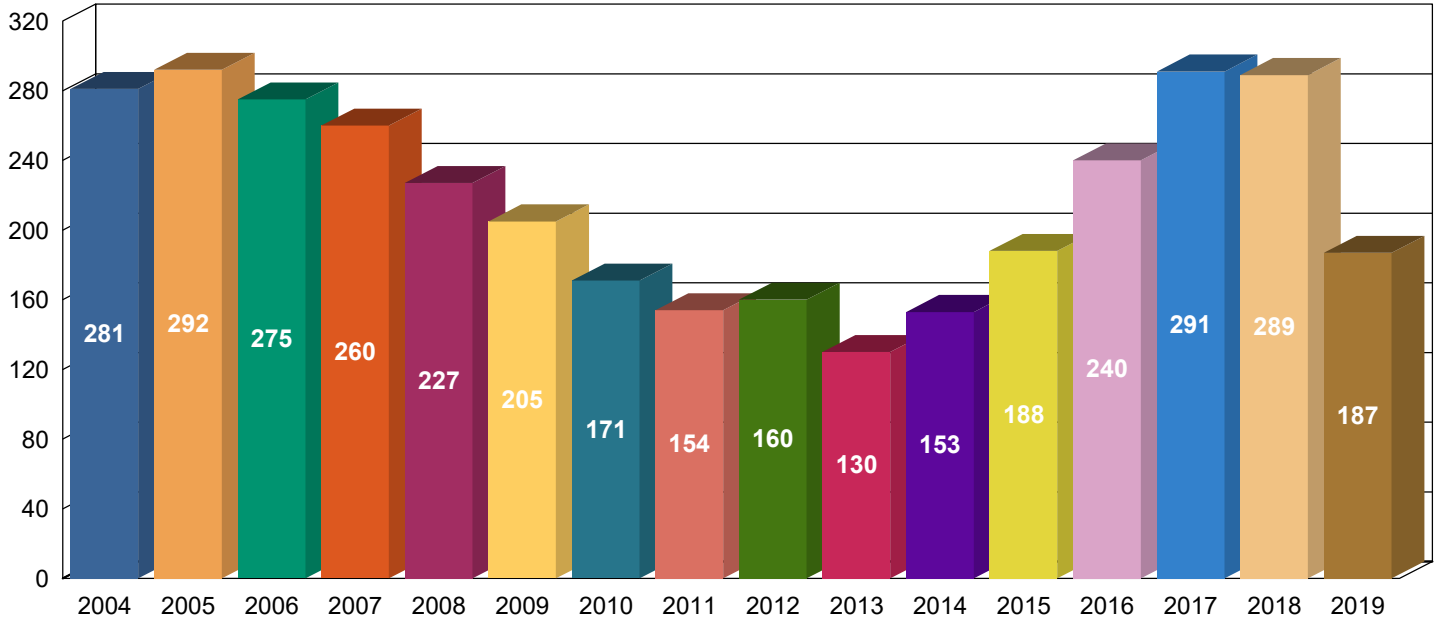
## Caseload Reports

### 1.2.1 - New Minor Guardianship Cases

New Minor 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

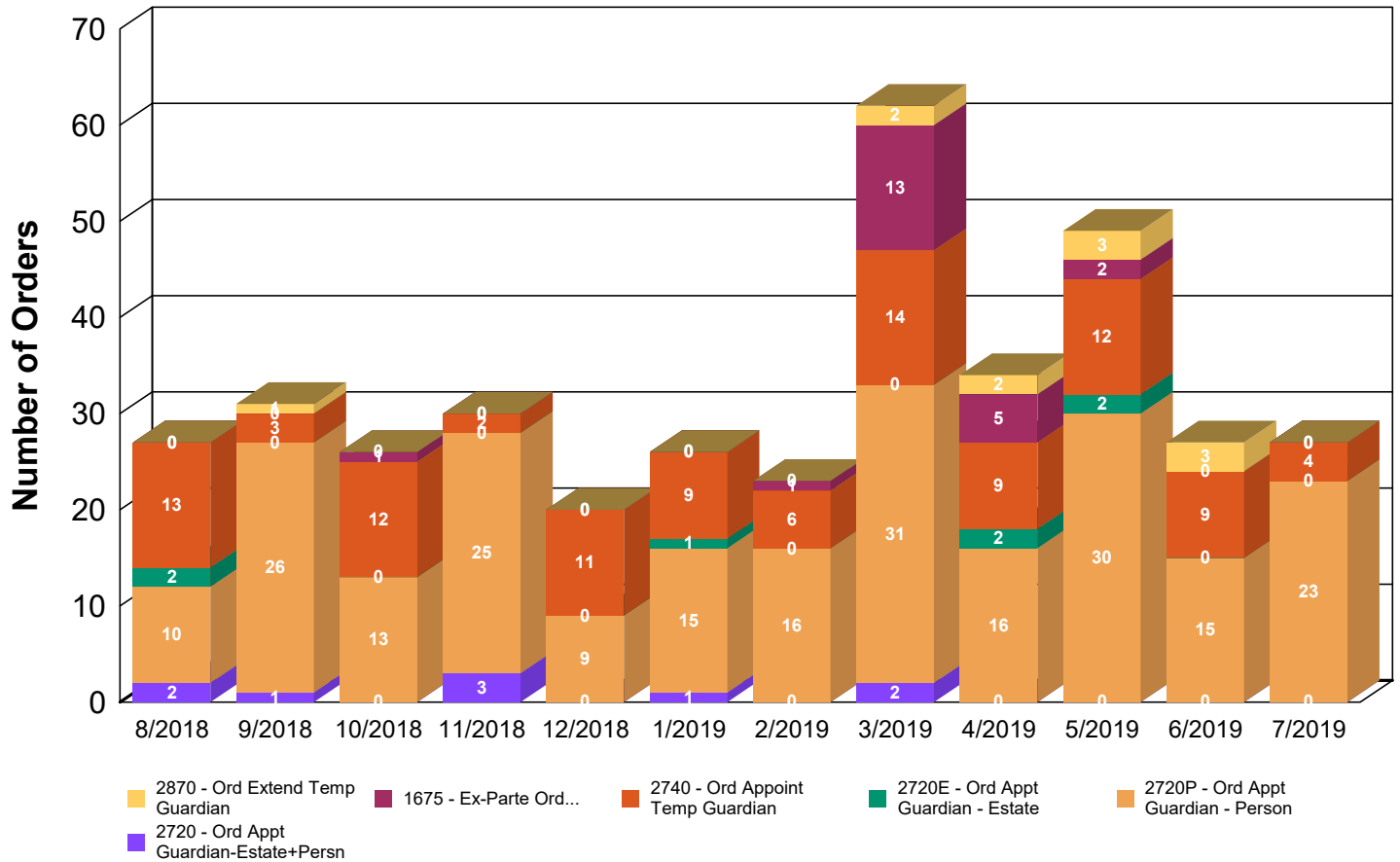
Probate courts should encourage the appropriate use of less intrusive alternatives to formal guardianship and conservatorship proceedings.

#### 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.

	8/2018	9/2018	10/2018	11/2018	12/2018	1/2019	2/2019	3/2019	4/2019	5/2019	6/2019	7/2019	Total
2720 - Ord Appt Guardian-Estate+Persn	2	1	0	3	0	1	0	2	0	0	0	0	9
2720P - Ord Appt Guardian - Person	10	26	13	25	9	15	16	31	16	30	15	23	229
2720E - Ord Appt Guardian - Estate	2	0	0	0	0	1	0	0	2	2	0	0	7
2740 - Ord Appoint Temp Guardian	13	3	12	2	11	9	6	14	9	12	9	4	104
1675 - Ex-Parte Ord...	0	0	1	0	0	0	1	13	5	2	0	0	22
2870 - Ord Extend Temp Guardian	0	1	0	0	0	0	0	2	2	3	3	0	11
<b>Total</b>	<b>27</b>	<b>31</b>	<b>26</b>	<b>30</b>	<b>20</b>	<b>26</b>	<b>23</b>	<b>62</b>	<b>34</b>	<b>49</b>	<b>27</b>	<b>27</b>	<b>382</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 can be increased significantly in a particular month when a petition for guardianship has been filed and the department was not notified or when parties have asked for continuance due to pending residency in Nevada.

	<u>8/2018</u>	<u>9/2018</u>	<u>10/2018</u>	<u>11/2018</u>	<u>12/2018</u>	<u>1/2019</u>	<u>2/2019</u>	<u>3/2019</u>	<u>4/2019</u>	<u>5/2019</u>	<u>6/2019</u>	<u>7/2019</u>	<u>Total</u>
Average Number of Days	62.3	52.3	59.7	53.6	46.6	38.9	36.6	69.6	38.6	74.7	63.0	52.7	<b>56.52</b>

## Caseload Reports

### 1.5 - Minor Guardianship Cases Disposed.

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

	<u>8/2018</u>	<u>9/2018</u>	<u>10/2018</u>	<u>11/2018</u>	<u>12/2018</u>	<u>1/2019</u>	<u>2/2019</u>	<u>3/2019</u>	<u>4/2019</u>	<u>5/2019</u>	<u>6/2019</u>	<u>7/2019</u>	<u>Total</u>
<b>Final Dispositions</b>													
Guard: Age of Majority	0	1	0	3	7	28	15	18	4	11	8	5	<b>100</b>
Order Term Guard or Final Actg	8	6	8	1	4	7	6	8	4	7	8	7	<b>74</b>
Guard: Death	0	0	0	0	0	0	0	0	0	0	0	1	<b>1</b>
<b>Total</b>	<b>8</b>	<b>7</b>	<b>8</b>	<b>4</b>	<b>11</b>	<b>35</b>	<b>21</b>	<b>26</b>	<b>8</b>	<b>18</b>	<b>16</b>	<b>13</b>	<b>175</b>
<b>First Dispositions</b>													
Bench N/J/T Judgment Reached	24	30	19	41	16	21	14	25	18	31	15	23	<b>277</b>
Voluntary Dismissal	3	0	3	1	1	4	4	5	5	12	1	1	<b>40</b>
Settd/Withdrn with Jud Conf/Hg	1	0	0	0	2	0	1	8	0	1	6	0	<b>19</b>
Involuntary Dismissal	0	0	1	1	3	0	0	4	0	1	1	1	<b>12</b>
Other Manner of Disposition	2	0	2	0	1	1	0	1	3	0	0	1	<b>11</b>
Settd/Withdrn w/o Jud Conf/Hrg	1	0	0	0	1	0	0	0	0	1	0	0	<b>3</b>
<b>Total</b>	<b>31</b>	<b>30</b>	<b>25</b>	<b>43</b>	<b>24</b>	<b>26</b>	<b>19</b>	<b>43</b>	<b>26</b>	<b>46</b>	<b>23</b>	<b>26</b>	<b>362</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.

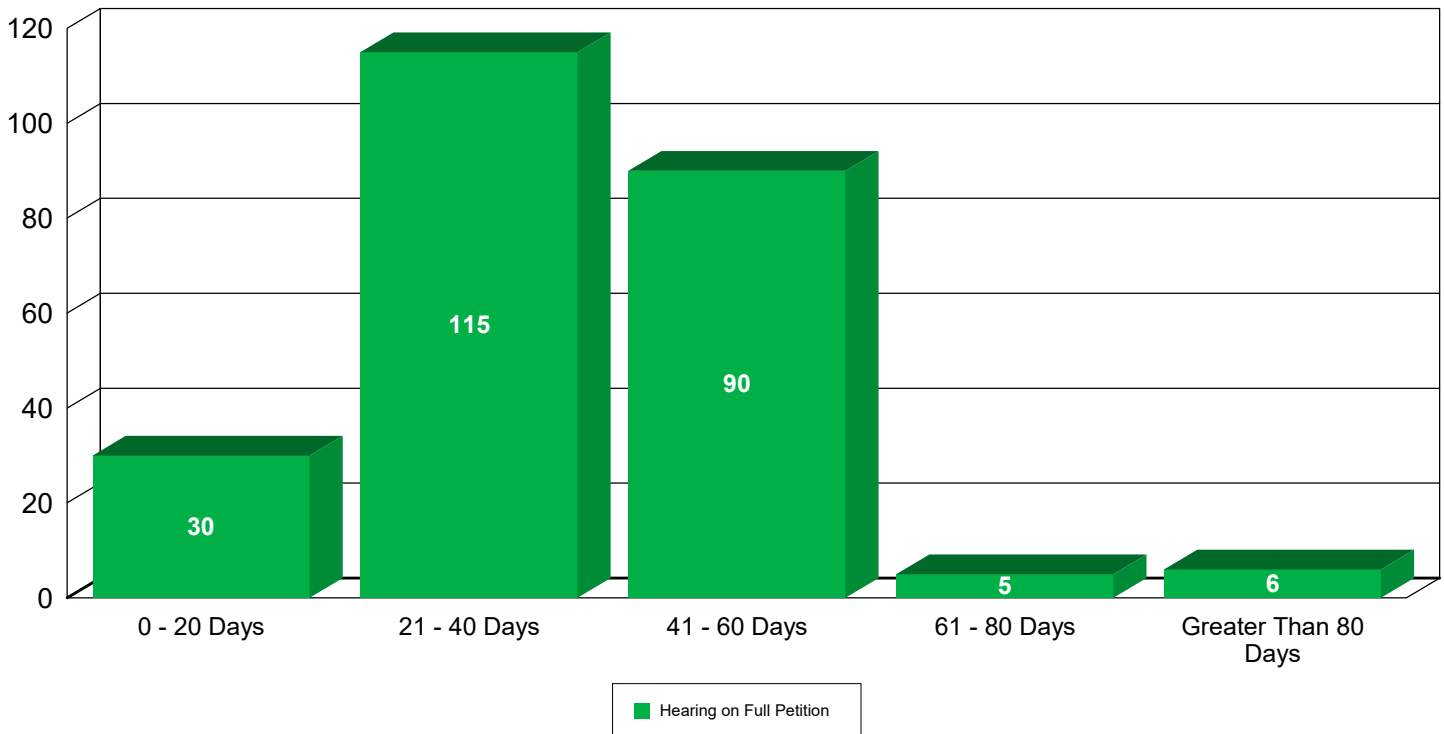
NPCS 3.3.8 Hearing

- 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>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>
<b>Hearing on Full Petition</b>	Granted	14	66	57	3	4	144
	Continued	10	20	16	1	2	49
	Dismissed	3	13	5	0	0	21
	Denied	2	8	7	1	0	18
	Vacated	0	8	5	0	0	13
	Under Advisement	1	0	0	0	0	1
	<b>Total</b>	<b>30</b>	<b>115</b>	<b>90</b>	<b>5</b>	<b>6</b>	<b>246</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.

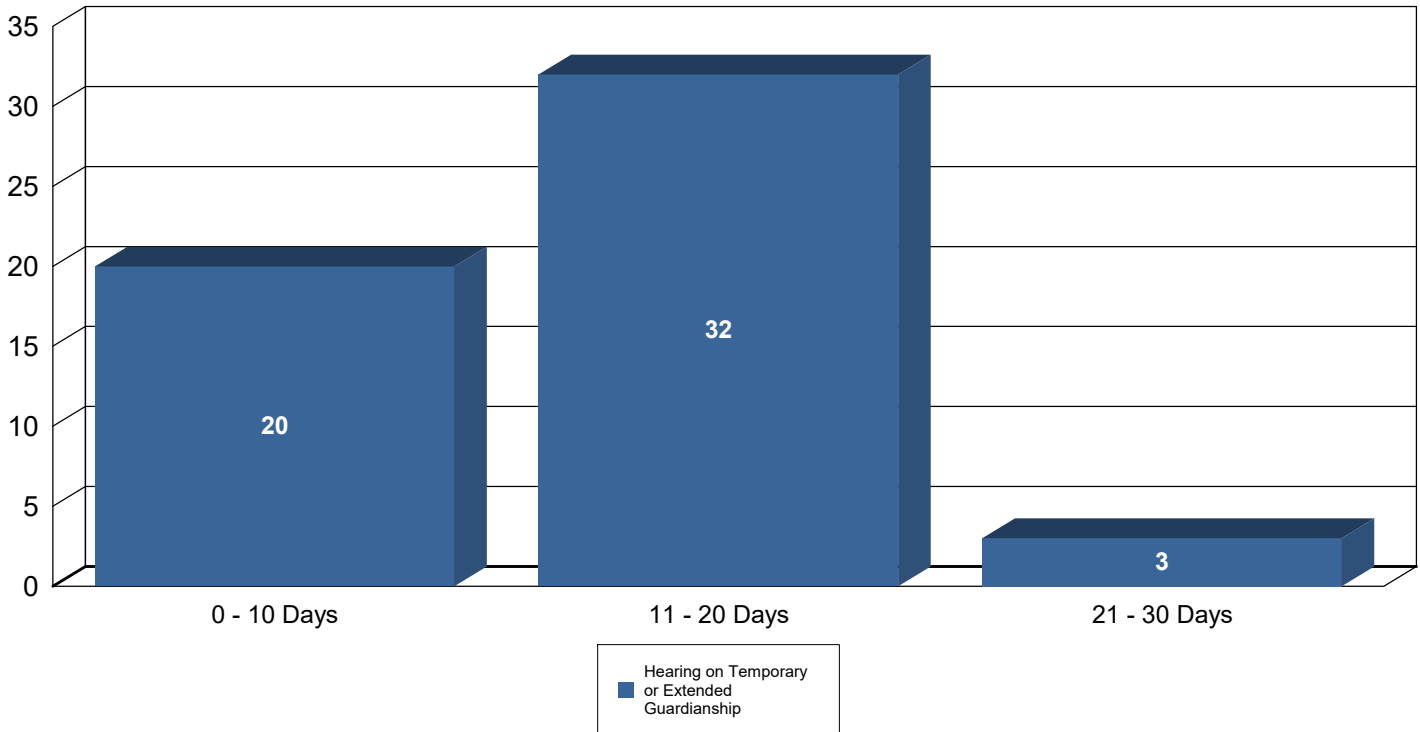
NPCS 3.3.8 Hearing

- 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>11 - 20 Days</u>	<u>21 - 30 Days</u>	<u>Total</u>
<b>Hearing on Temporary or Extended Guardianship</b>	Granted	18	26	2	46
	Continued	2	2	0	4
	Dismissed	0	2	0	2
	Others	0	2	0	2
	Denied	0	0	1	1
	<b>Total</b>	<b>20</b>	<b>32</b>	<b>3</b>	<b>55</b>

**Calendar Days to Initial Hearing**

Temporary or Extended Guardianship





**Additional Caseload Statistics**

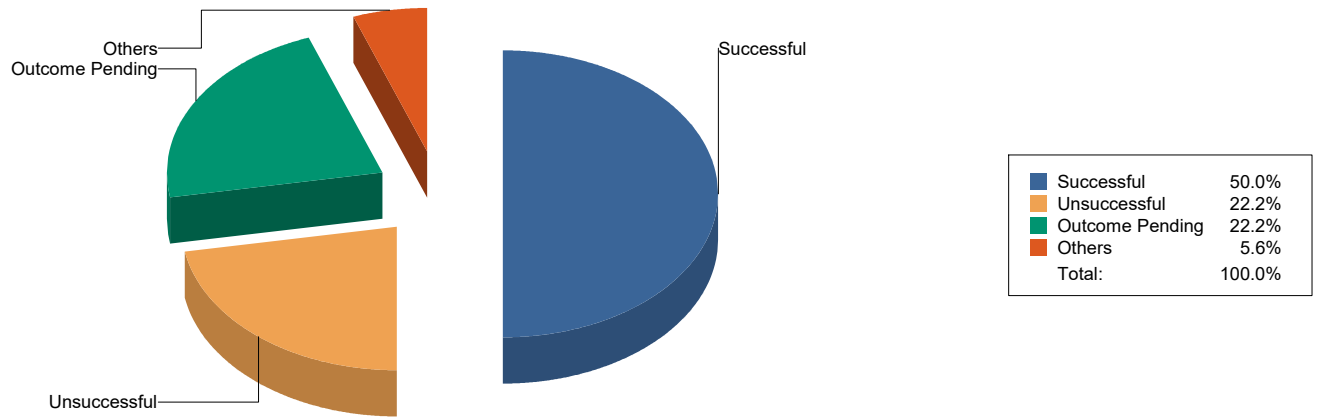
**2.2 - Alternative Dispute Resolution: - Last 12 Full Months (NPCS 2.5, 3.3.2, 3.3.10)**

**2.2.1 - Scheduled Mediations**

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

	<u>11/2018</u>	<u>2/2019</u>	<u>3/2019</u>	<u>4/2019</u>	<u>5/2019</u>	<u>6/2019</u>	<u>7/2019</u>	<u>Total</u>
Successful	2	1	2	1	0	3	0	<b>9</b>
Unsuccessful	1	1	0	0	2	0	0	<b>4</b>
Outcome Pending	0	0	0	0	1	2	1	<b>4</b>
Others	0	0	0	0	0	0	1	<b>1</b>
<b>Total</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>5</b>	<b>2</b>	<b>18</b>

**Scheduled Mediations**



**Additional Caseload Statistics**

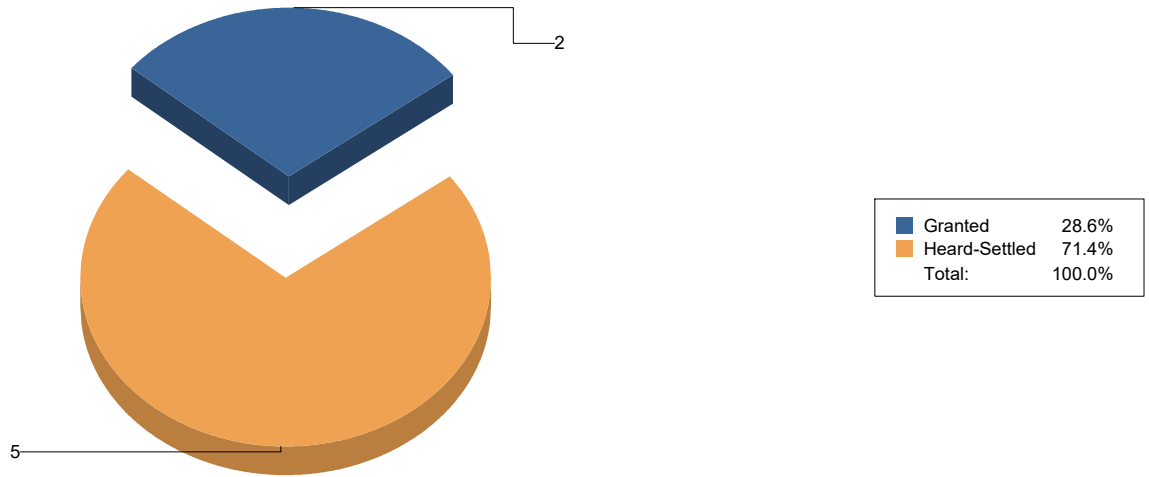
**2.2 - Alternative Dispute Resolution: - Last 12 Full Months (NPCS 2.5, 3.3.2, 3.3.10)**

**2.2.2 - Scheduled Settlement Conferences**

Cases are grouped based upon resolution type. Pending settlement conferences are labeled as 'Outcome Pending'.

		<u>3/2019</u>	<u>5/2019</u>	<u>6/2019</u>	<u>Total</u>
H812	Granted	2	0	0	2
	Heard-Settled	0	4	1	5
	<b>Total</b>	<b>2</b>	<b>4</b>	<b>1</b>	<b>7</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>8/2018</u>	<u>9/2018</u>	<u>10/2018</u>	<u>11/2018</u>	<u>12/2018</u>	<u>1/2019</u>	<u>2/2019</u>	<u>3/2019</u>	<u>4/2019</u>	<u>5/2019</u>	<u>6/2019</u>	<u>7/2019</u>	<b>Total</b>
Accounting	2	0	2	4	7	3	2	10	6	6	2	8	<b>52</b>
Annual Report of Guardian	37	30	42	43	19	42	47	74	50	34	40	56	<b>514</b>
Inventories	5	0	2	1	1	0	0	1	2	3	5	3	<b>23</b>
<b>Total</b>	<b>44</b>	<b>30</b>	<b>46</b>	<b>48</b>	<b>27</b>	<b>45</b>	<b>49</b>	<b>85</b>	<b>58</b>	<b>43</b>	<b>47</b>	<b>67</b>	<b>589</b>

## Additional Caseload Statistics

### 2.4 - Party Representation - 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:

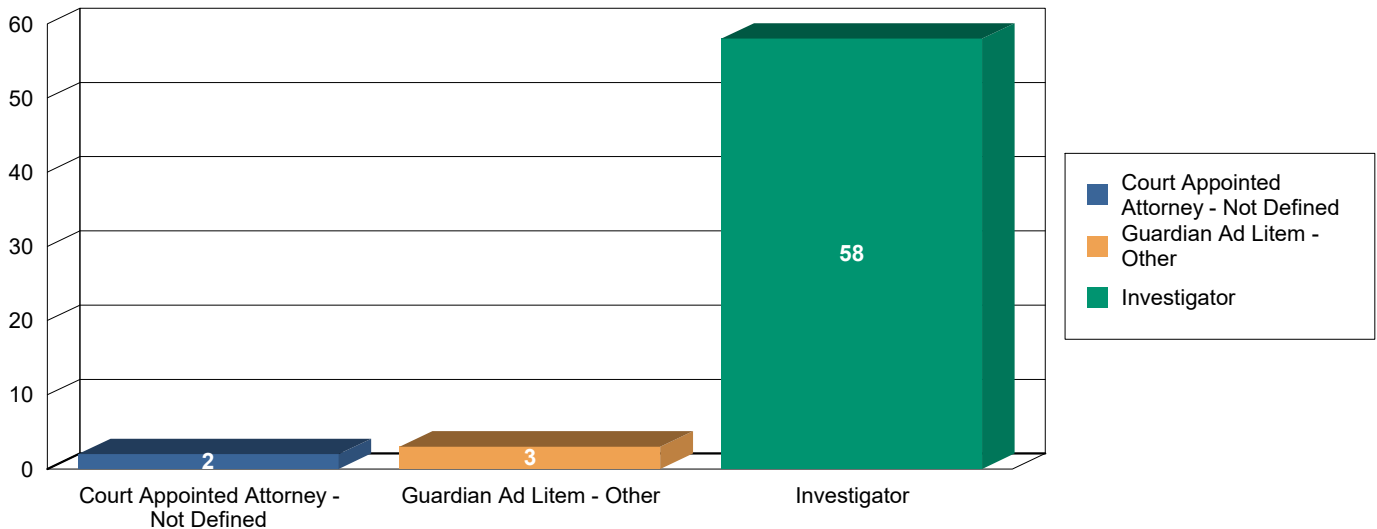
- (1) Requested by the respondent; or
- (2) Recommended by the visitor; or
- (3) The court determines that the respondent needs representation; or
- (4) Otherwise required by law.

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

	<u>8/2018</u>	<u>9/2018</u>	<u>11/2018</u>	<u>12/2018</u>	<u>1/2019</u>	<u>3/2019</u>	<u>4/2019</u>	<u>6/2019</u>	<u>7/2019</u>	<u>Total</u>
Court Appointed Attorney - Not Defined	0	1	1	0	0	0	0	0	0	<b>2</b>
Guardian Ad Litem - Other	0	0	0	1	0	1	0	1	0	<b>3</b>
Investigator	11	1	1	6	1	6	2	5	25	<b>58</b>
<b>Total</b>	<b>11</b>	<b>2</b>	<b>2</b>	<b>7</b>	<b>1</b>	<b>7</b>	<b>2</b>	<b>6</b>	<b>25</b>	<b>63</b>

## Appointment of Counsel

Past 12 Full Months



**Total Appointments: 63**

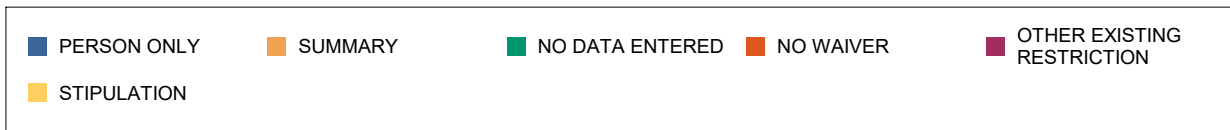
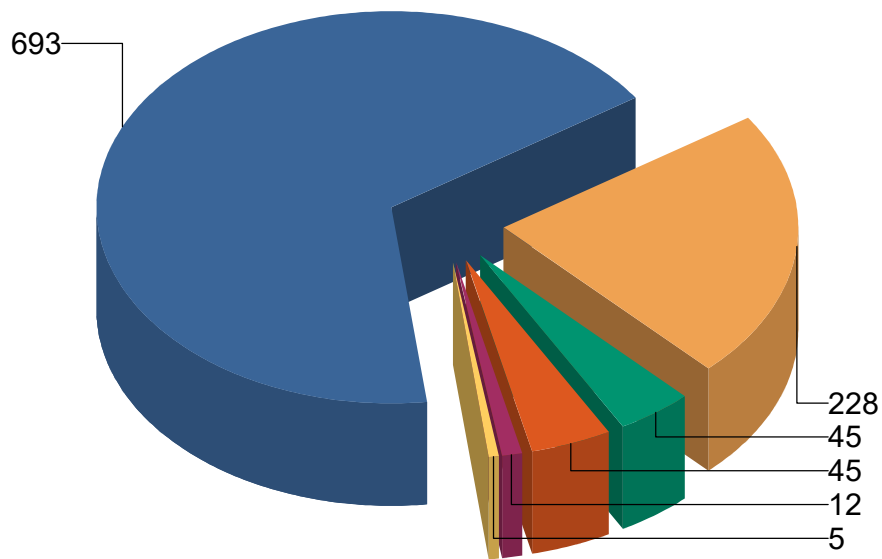
Please Note: The 'Investigator' category includes appointment of independently contracted private investigators and/or the State Guardianship Compliance Office on a case.

## Additional Caseload Statistics

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

	Total
PERSON ONLY	693
SUMMARY	228
NO DATA ENTERED	45
NO WAIVER	45
OTHER EXISTING RESTRICTION	12
STIPULATION	5
<b>Total</b>	<b>1,028</b>

## Waiver Reasons



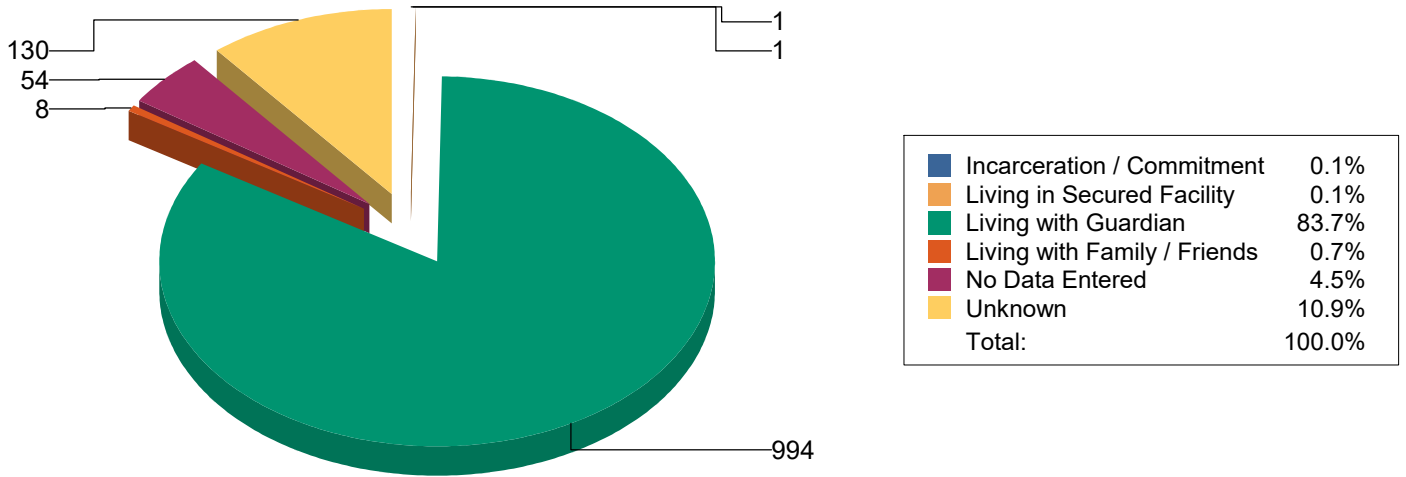
**Demographics**

**4.1 - Placement**

For all pending cases, the chart below shows the percentage breakdown of guardian types in Minor 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: 1,188

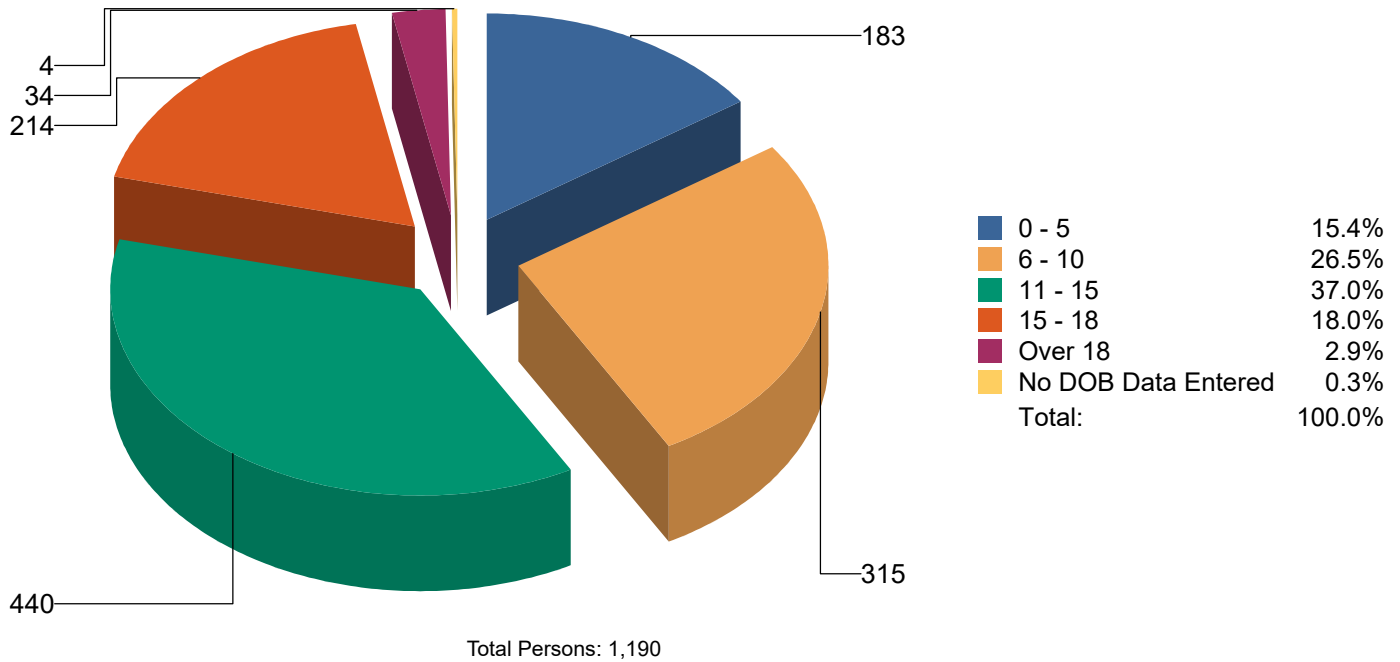
## Demographics

### 4.2 - Minor Subject to Guardianship - Age Breakdown

The table and chart below show the breakout in age of minor wards in pending cases.

*Please note: Prior 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 Breakout

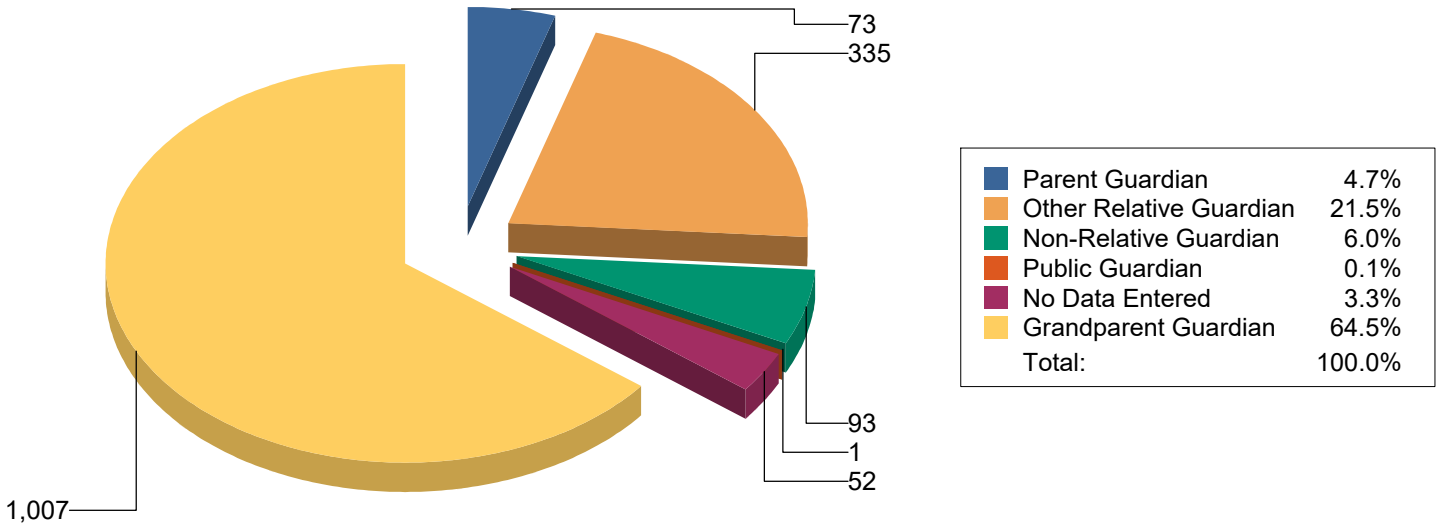


**Demographics**

**4.3 - Guardian Types**

For all pending cases, the chart below shows the percentage breakdown of guardian types in Minor 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: 1,561  
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 159.0487 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 Wards 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.