

# NEVADA GUARDIANSHIP JUDICIAL SUMMIT

*Collaboratively Supporting all Judicial Officers in Nevada Guardianship  
Cases*

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Judge Linda Marquis  
Judge Eagan Walker

# Guardianship Sub Types

## Adult NRS 159

- Person Only
- Estate Only General
- Estate Only Summary Administration
- Person and Estate General
- Person and Estate Summary Administration
- Special
- SIJS 18-22

## Minors NRS 159A

- Person Only
- Estate Only General
- Estate Only Summary Administration
- Person and Estate General
- Person and Estate Summary Administration
- SIJS 0-17

# Minor Guardianship: Petition & Citation

Petition



Confidential  
Identifiers for PP  
and Petitioner



Citation



Consent



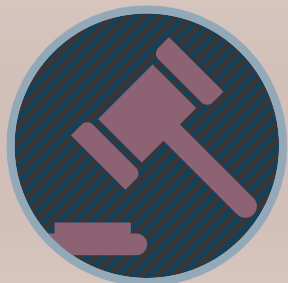
Service



Child's Presence at  
Hearing



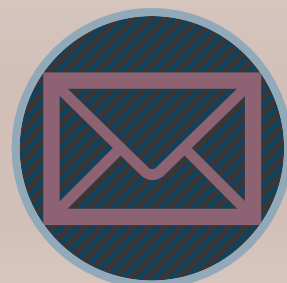
Order Appointing  
Guardian



Guardian's  
Acknowledgment  
of Duties



Notice of Entry  
of Order



Letters of  
Guardianship



# Minor Guardianship

Pleading	Statute	Form
Petition	NRS 159A.044	<ul style="list-style-type: none"> <li>Petition for Guardianship of a Minor with Immediate, Temporary Guardianship Requested</li> <li>Petition for Guardianship of a Minor</li> </ul>
Required Confidential Information	NRS 159A.044(2)(c) NRS 159A.044(2)(h)	
Citation	NRS 159A.047 NRS 159A.048	<ul style="list-style-type: none"> <li>Citation to Appear and Show Cause</li> <li>Order Granting/Denying Request for Immediate Guardianship</li> </ul>
Parental Consent	NRS 159A.034	<ul style="list-style-type: none"> <li>Consent/Waiver of Parent</li> </ul>
Proof of Service	NRS 159A.034	<ul style="list-style-type: none"> <li>Certificate of Mailing for the Petition for Appointment of Guardians</li> <li>Declaration of Service</li> </ul>

# Minor Guardianships

NRS 159A  
NRS 432B



NRS 432B

- Borrows from NRS 159A
- Must be filed after court determined child in need of protection. NRS 432B.466
- Petition must include extra statement: why the appointment of a guardian, rather than the adoption of the child or the return of the child to a parent is in best interest. NRS 432B.466
- Upon Petition for Termination, Judge shall order child welfare services to file a report and make recommendation within 45 days. NRS 432B.468
- No Compliance Requirements. NRS 432B.4665(2)(b)

# Minor Guardianship Shadow Foster Care System

Parents investigated child welfare agencies agree, sometimes under coercion, to place children with a relative or other care provider.

The “agreement” allows child welfare agencies to avoid their duty to keep children at home or monitor the placement.

The “agreement” strips families of access to free attorneys, judicial oversight, and services.

# Shadow Foster Care System

## Power of Attorney North Carolina

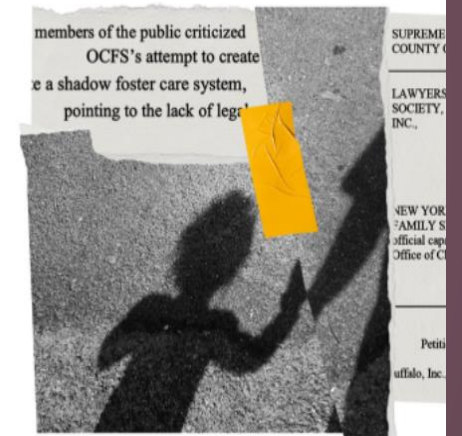


New York Times Magazine, December 2021

## Host Family Homes New York

### **Child Advocates Sue New York Over Proposed Shadow Foster Care System**

Child advocates are suing New York for a program they say would create an unlawful shadow foster system that deprives families of their rights, saying a ProPublica investigation made the dangers "abundantly clear."



ProPublica, April 2022

# Adult Guardianship: Petition & Citation

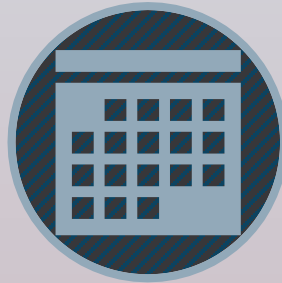
Petition



Confidential Identifiers for PP and Petitioner



Citation



Service



Physician's Certificate



Attorney for PP



PP's Presence at Hearing



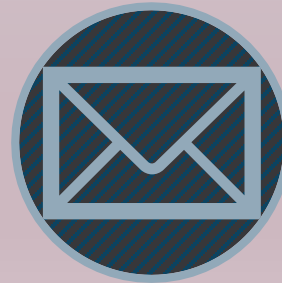
Order Appointing Guardian



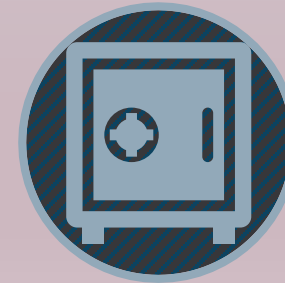
Guardian's Acknowledgment of Duties



Letters of Guardianship



SOS Lock Box



Notice of Entry of Order







# Attorney vs. Guardian Ad Litem

Nevada Guardianship Rules 8 and 9

# Adult Guardianship

Pleading	Statute	Form
Petition	NRS 159.044	<ul style="list-style-type: none"> <li>Petition for Guardianship of an Adult with Immediate, Temporary Guardianship Requested</li> <li>Petition for Guardianship of an Adult</li> </ul>
Required Confidential Information	NRS 159.044(2)(c) NRS 159.044(2)(g)	
Citation	NRS 159.0475 Service NRS 159.048 Contents	<ul style="list-style-type: none"> <li>Citation to Appear and Show Cause</li> <li>Order Granting/Denying Request for Immediate Guardianship</li> </ul>
Consent	NRS 159.034	<ul style="list-style-type: none"> <li>Consent/Waiver</li> </ul>
Physician's Certificate	NRS 159.044(2)((i)(1) NRS 159.044(3)	
Proof of Service	NRS 159.034	<ul style="list-style-type: none"> <li>Certificate of Mailing for the Petition for Appointment of Guardians</li> <li>Declaration of Service</li> </ul>

# Service of Petition and Citation

**Adults NRS 159.034; 159.0475**

**Minors NRS 159A.034; 159A.0475**

***Personal Service at least 10 days prior to hearing:***

PPP	PPM 14 and over
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***Certified Mail at least 20 days prior to hearing:***

	PPM's Parents or Guardian 13 and under
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Spouse	
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All relatives within two degrees of consanguinity	All relatives within two degrees of consanguinity
---------------------------------------------------	---------------------------------------------------

Any other interested person who filed a request for notice with court	Any other interested person who filed a request for notice with court
-----------------------------------------------------------------------	-----------------------------------------------------------------------

Guardian	Guardian
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Care Provider	Care Provider
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Dept of VA if receiving payment or benefit	
--------------------------------------------	--

DDHHS if ever received benefits from Medicaid	DDHHS if ever received benefits from Medicaid
-----------------------------------------------	-----------------------------------------------

A person wearing a dark beanie, a quilted jacket, and a large grey backpack with brown leather straps is seen from behind, looking out over a vast, misty mountain range. The scene is dimly lit, suggesting dawn or dusk.

# After Adjudication

The Compliance Wilderness

# Compliance - Initial Guardianship of Person

1

**Guardian's Acknowledgment;  
Letters of Guardianship**

Initial Filing

2

**Care Plan**

60 days

By Order

3

**Non Compliance**

Rule 10

Investigator

Findings

Revocation of Letters

# Compliance – Reoccurring

## Guardianship of Person

1

### Report of Guardian

Annual Filing

2

### Review Hearings

Rule 11

Every three years

3

### Non Compliance

Rule 10

Investigator

Findings

Revocation of Letters

# Compliance - Initial Guardianship of Estate, General

1

**Inventory**

**Budget**

60 days

2

**Real Estate**

**Continue Business**

As needed

3

**Non Compliance**

Rule 10

Investigator

Findings

Revocation of Letters

Recovery

# Compliance - Reoccurring

## Guardianship of Estate, General

1

### Annual Accounting

Accounting

Review

Receipts and Vouchers

2

### Attorney's Fees

3

### Non Compliance

Rule 10

Investigator

Findings

Revocation of Letters

Recovery





# Recovery Actions

1. **Examination NRS 159.305**  
Evidentiary Hearing
2. **Order NRS 159.315**  
Return Asset or the Value of Asset  
Contempt

## Nevada AOC Reporting

1

### **Time to Disposition**

Time from filing petition to Order.

2

### **Age of Active Pending**

Number of cases open:  
1-30;30-60; 60-90.

National Best Practice  
is 90 days

3

### **Clearance Rates**

Ratio of disposed cases to filed and open cases over a period of a year.

# Case Law Update

- *Nevada Supreme Court*

*In re: Guardianship of Rubin*, 137 Nev. Adv. Op. No. 27 (2021)



## Judge Linda Marquis, Eighth Judicial District

- Adult & Minors
- MarquisL@ClarkCountyCourts.us



## Judge Denise Gentile, Eighth Judicial District

- Adults & Minors
- GentileD@ClarkCountyCourts.us



## Judge Egan Walker, Second Judicial District

- Adults
- Judge.Walker@WashoeCourts.us



## Judge Tamatha Schreinert , Second Judicial District

- Minors
- Judge.Schreinert@WashoeCourts.us

# AOC Guardianship Compliance



**Kate McClosky**

*Compliance Manager  
Carson City*



**Ronda Lethcoe**

*Financial Forensic  
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Carson City*



**Donna Kingman-Silva**

*Investigator  
Carson City*



**Sonia Jones**

*Financial Forensic  
Specialist  
Las Vegas*



**Sasha Ball**

*Investigator  
Las Vegas*