

Supreme Court of Nevada
ADMINISTRATIVE OFFICE OF THE COURTS

KATHERINE STOCKS
Director and State Court
Administrator



JOHN MCCORMICK
Assistant Court Administrator

MEETING SUMMARY

Name of Organization: Permanent Guardianship Commission

Date and Time of Meeting: Friday October 4, 2024, 1:00 PM to 3:00 PM

Place of Meeting: Remote Access via Zoom:

Meeting ID..... 896 1864 0121

Meeting Passcode..... 213040

MEMBERS PRESENT

Judge Denise L. Gentile	Judge Tamatha Schreinert	Karen Kelly
Debra Amens	Jim Berchtold	Lynn Hughes
Michael Keane	John Michealson	Jennifer Salem
Jennifer Richards	Jennifer Christie	Elizabeth Brickfield
Judge Sturman		

MEMBERS ABSENT OR EXCUSED

Shelley Register	Hank Cavelerra	Mary Bryant
Lynda Hascheff	Barry Gold	

AOC STAFF

Kate McCloskey

OTHER ATTENDEES

Mallory Nelson	Jonathan Bye	Kimberly Alexander
Shauna Brennan	Barbara Keyl	Alexandra Moreland
Allyson Bitz	Dallis Harris	Debra Bookout
Emily Reed	Jonathan Norman	Linda Sayegh
David Spitzer	Phillip Sewall	

I. Call to Order

- a. Call or Roll and Determination of Quorum
- b. Approval of Meeting Summary of August 18, 2023.
- c. Opening Remarks

II. Public Comment:

Jonathan Norman, Nevada Coalition of Legal Service Providers, is hopeful to work toward change in the guardianship world that serves protected persons and proposed protected persons. It might be an opportune time to look at the makeup of the membership. The Commission was designed to address the concerns of persons subject to guardianship rules, statutes and processes. At times, legal aid has provided some ideas of what the makeup of this Commission could be, which included protected persons, family guardians, and former protected persons. Mr. Norman also noted that the Legal Aid Center of Southern Nevada does not have a member on the Commission at this time. Our intention is to send a letter to the Nevada Supreme Court Ccing the Chairs here to talk about what is the makeup of the Commission and the direction it should be going in as far as goals, getting recentered, and looking at the scope of the commission relative to minor guardianship. The work of the Commission has always assumed more focus on adult guardianship and even the makeup of the Commission is more focused on adult guardianship. Mr. Norman stated that the needs of the needs of children in minor guardianship cases are more closely in line with 432B cases and dependency abuse and neglect. So, figuring out how the Commission is going to interact with minor guardianships cases. We brought two bills last session that impacted adult and minor guardianship, and the next legislative session is literally right around the corner. The frequency of meetings is crucial to fine tune bills and there has not been space with the Commission to do this work over the past year, so I am excited to see how this will develop.

III. Welcome and Introduction

Judge Schreinert stated she and Judge Gentile spoke regarding their goals as Co-Chairs of the Commission. Judge Schreinert stated that she has been a District Court Judge in Washoe County for 5 and ½ years and is charged with all of the minor guardianship cases in Washoe County. She stated that one of her goals is to ensure the Commission addresses minor guardianship concerns, as well as adult guardianship concerns. She also stated their goals are to ensure consistency and addressing best practices on a statewide basis. Judge Gentile added that she echoes Judge Schreiner's comments and that they also addressed some of Mr. Norman's concerns related to the makeup of the Commission. Judge Gentile introduced herself as currently having a case load of adult guardianship cases, and she had heard minor guardianship cases for the prior three years. She stated she has experience with both minor and adult guardianship, and she intends to also address concerns with both types of guardianship cases.

Judge Schreinert solicited ideas for additional goals. John Michealson stated that he agrees that the Commission should have more dialogue on legislation. He offered that he would like to participate in a forum that discussed legislation related to Guardianship.

IV. Discussion on Commission Membership and Workgroup Membership.

Judge Schreinert stated that a big discussion for today's meeting is membership. She stated that we want to get a firm list of who wants to continue to actively participate with the Commission and the workgroups that are already formed and new one. She indicated she would like to hear how to broaden the membership of the Commission. She stated that they always welcome people to come to meetings, and that there have been people to indicate interest in becoming a Commission member. She stated there is an established procedure to bring in new membership. Judge Schreinert opened discussion, asking participants if they have continued interest in continuing their role as member or if they have recommendations for new members. Karen Kelly stated she has an interest in continuing her role with the Commission, but also added that she feels it important to have representation from a Rural Public Guardian. She stated they have been underrepresented, and they have a different perspective that could be helpful. Ms. Kelly stated that she has a list of public guardians that she would be happy to reach out to solicit interest. John Michealson recommended that a representative from the hospitals would bring their perspective. He stated that hospitals often work with elderly individuals who are in need of guardianship and at times families are not able to provide this for them. He feels their perspective would be beneficial to the Commission. Judge Schreinert asked Mr. Michaelson if he knows of individuals who would be interested. He stated he could put together a list of individuals who might express interest and he could provide that to the Co-Chairs. Judge Gentile suggested that if anyone has recommendations, they could email she and Judge Schreinert the names, and then they could work on that after this meeting. Judge Schreinert stated that, in the chat, there was interest by Nevada Hopes, and also took notice that Shauna Brennan has taken Jennifer Richards place with Aging and Disability Services Division (ADSD) and would like a seat on the Commission to represent the ADSD perspective. Mr. Norman suggested having protected person, family guardians, and people who have formerly been under guardianship as part of the membership. IN addition, he suggested members from senior's rights groups, such as AARP. He also recommended consideration for people who focus on children's issues. He stated he would be happy to share ideas for new membership and pass it along. Judge Schreiner stated that the chat reflected recommendations for the UNR School of Social Work leadership and the National Hospital Association. Micheal Keane recommended to have perspective from a person who has experience with conducting psychological and psychiatric assessments, as well as elder work. He stated that there are differences between the medical and legal side of things, and it would be good to have the medical perspective. Judge Schreinert asked that people send the Co-Chairs their recommendations, and stated their goal is to ensure statewide representation and they would like to ensure there is good representation from the Rural jurisdictions. Jennifer Richards indicated that Northern Nevada Legal Aid should continue to be present on the Commission and stated that she has been a member for several years and would like to step down. Judge Schreinert stated that she appreciates having the hospitals and a medical perspective, as well as the legal services perspective would be beneficial.

Judge Schreinert stated that the Commission currently has two Workgroups, the Forms and the Rules Workgroups. She stated that she has a list of membership for those Workgroups. She stated the next agenda item is a list of new Workgroups. She stated she and Judge

Gentile wanted to be sure they had enough people to fill these workgroups. She stated it would be good to first establish the groups, and then seek out membership for them.

a. Forms Workgroup

Judge Schreinert stated that she has the following members for the Forms Workgroups:

- Jim Berchtold
- Michael Keane
- Judge Tod Young
- The other folks have resigned (Homa Woodrum, Sabrina Sweet, Judge Nancy Porter).

Judge Schreinert would like to see this workgroup continue on. She stated opened discussion on the Forms Workgroup. Michael Keane expressed interest in continuing with the Forms Workgroup. Jim Berchtold stated he does not feel he would be the best choice, as he has moved more into the guardianship policy arena. He stated he would continue with the Workgroup if needed, however. Judge Schreinert stated they have the Rules Workgroup and some other Workgroups that deal with policy and stated she would asterisk him name for participation in other groups. Mr. Keane stated that it was helpful in the past to work with Jim, and having the perspective from Northern and Southern Nevada on both rules and forms. He stated it would be helpful to have someone who is working with the forms in the south on a regular basis. Judge Gentile stated she would like to participate in the Forms Workgroup. Emily Reed stated that the Second Judicial District Court's self-help center worked with the forms and rules workgroups. She also indicated they worked with Stephanie McDonald with the Legal Center of Southern Nevada, or someone with the Eighth Judicial District Court who might want to participate. Ms. Reed indicated she would work with their Case Compliance Specialist to see if there are individuals in the South who would want to participate. Jonathan Bye and Mallory Nelson would like to be on the forms Workgroup. Judge Gentile stated that the Eighth Judicial District Court's Case Compliance Specialist is Kimberly Alexander, as well as Andre Moses who stated he continues to want to be involved. Judge Gentile stated they would figure out who would be the best to represent the Eight Judicial District Court. Kimberly Alexander stated she would be interested. Mr. Normal stated that he could reach out to Ms. Stephanie McDonald to inquire if she has an interest in the Commission.

b. Rules Workgroup

Judge Schreinert reported the following members of the Rules Workgroup:

- John Michaelson
- Micheal Keane

- Mallory Nelson
- Judge Tod Young
- Elizabeth Brickfield
- Lynn Hughes
- Jennifer Richards

John Michaelson stated that he is interested in continuing with this Workgroup, however, feels he is not the best choice as a Chair of the Workgroup. Judge Schreinert offered that when the Workgroup meets that they could then select a new Chair and Co-Chair of the group. Mr. Michaelson reiterated his commitment to the Rules Workgroup, and stated the group needs a person who is really good at follow up to lead the group. Elizabeth Brickfield indicated she would remain on the Rules Workgroup. Judge Schreinert stated the Workgroup has a good number of members and offered that the groups are fluid and if things come up and when at meetings if people want to join in, they should be able to. Mick Keane asked if people have ideas for rules, to please email them to him. Judge Schreinert indicated that emailing between meetings is an excellent idea and she will request Ms. McCloskey send out an updated contact list.

V. Adoption of New Work Groups

Judge Schreinert stated that the following Workgroups were identified in past meetings. She stated they will require a vote and reviewed the list of the recommended Workgroups.

- Workgroup to Address Recommendations by NCSC**
Judge Schreinert stated that the group was discussed at the August 2023 meeting and that it was prioritized. She stated that a working group is a good way of addressing the recommendations made by the National Center. Judge Schreinert asked if everyone had the recommendations and Ms. McCloskey offered to resend out the recommendations.
- Legislative Workgroup**
Judge Schreinert stated that the Commission tends to meet just about a quarter, and there will need to be more frequent contact to address legislative issues. She stated one of the issues dealt with two years ago, were bills the Commission had not seen. She stated that there was a great deal of time spent on them. Judge Schreinert suggested this group could work together to draft bills and review other bills and feels there is a big need for this group.
- Workgroup on Mental Health Issues**
Judge Schreinert stated this was a group suggested by Judge Walker at the last meeting and asked if others wanted to weigh in on this group. Judge Schreinert stated that this was originally meant to address issues related to adults, but she indicated this is a huge need for minor guardianship as well but stated that the focus would most likely be on adult guardianships for this workgroup.
- SIJS Workgroup**
Judge Schreinert summarized the SIJS Workgroup (Special Immigrant Juvenile Status). She stated she deals with this in about 30% of her cases and it is an ongoing issue. She stated she does not know if we need a workgroup currently on this, but that certainly is an area growing in her jurisdiction. She stated part of the next agenda

item is about addressing that issue and making sure it is in the minor guardianship statutes.

Jim Berchtold made a motion to approve the new workgroups, John Michealson seconded the motion. Motion carried.

Interest in Workgroup membership was discussed, and the following individuals expressed interest in the following workgroups:

NCSC Recommendations Workgroup	Legislative Workgroup	Mental Health Workgroup	SIJS Workgroup
Jim Berchtold	Judge Schreinert	Judge Gentile	Judge Schreinert
Kate McCloskey	Judge Gentile	Jennifer Rains	Jonathan Bye
	Jonathan Norman	Karen Kelly	
	Tracy Bowles	Tracy Bowles	
	Shaunna Brennan	Shaunna Brennan	
	John Michaelson		

Judge Schreinert stated that she will work with Judge Gentile and Kate McCloskey and put together the list for each of these, send out an email to schedule at least one meeting before the next full Commission meeting, except for the Legislative Workgroup, which should have at least two meetings prior to the next full Commission meeting.

Jonathan Norman indicated that he anticipates the NCSC and SIJS Workgroups might entail some legislative work. He stated he does not want to be a member of the groups but would make himself available to them if there is legislative work needed.

VI. Legislation

Judge Schreinert stated that she put this on the agenda to ensure that everyone one is aware that the AOC has a bill draft. She stated that the AOC had a bill draft last session with these changes, so those ideas were carried into this session, and stated there were a few other items added. She stated some of the changes are aimed at making the statutes conform a little better, a good portion allowing investigators to do background checks and the investigators to obtain vital records at no charge. She stated that another piece is trying to get service in guardianships to mirror the service in the Nevada Rules of Civil Procedure, which allows different types of service with judicial permission. Judge Gentile offered that the bill also adds SIJS to the bill. Judge Schreinert encouraged the members to review the bill.

VII. Discussion of New and/or changes to Rules and Forms

Judge Gentile explained that when the ADKT went out appointing she and Judge Gentile, Mr. Keane reached out with ideas regarding some changes to rules and forms, and he put his ideas in his email. Michael Keane stated that some of the proposals were things that the forms and rules committee was addressing with the groups petered out. He indicated the Pro Bono request for a motion to the court, he stated it was a specific request with Judge Walker. He stated that about

one half of the items on his list are his ideas he has written down from his experience in working in different courts. He stated that sometimes procedures are different in other courts. Mr. Keane stated that when considering new forms, the Commission should be mindful not to reduce a person to only checkboxes. He stated he is open to any forms or rules that people feel should be addressed. Judge Gentile recommended the list of forms be taken up by the Workgroup. She acknowledged that forms can be a reduction of a person, but also it ensures that everything is being taken into account in all of the jurisdictions. Kate McCloskey stated that the Guardianship Portal might affect the forms discussion. She suggested the Forms Workgroup have a demonstration of the portal as they consider changes to forms and information for courts. Ms. McCloskey offered to participate in the forms group to coordinate a demonstration. Ms. McCloskey discussed the current status of the portal, which is currently in end user testing phase. She offered to set up a demonstration to the full Commission prior to the next meeting. She stated the developers would appreciate the feedback.

Judge Schreinert thanked Mr. Keane for this email and also clarified that the Rules Committee should look into Mr. Keane's recommendations for new rules/changes to rules. Mr. Keane stated that over the years he has run into is the difference between a petition and a motion and the timing of notice. He stated that there is ambiguity around discovery. He is hoping to address this by rule.

VIII. Discussion of Possible Creation of Guardianship Assistance Program

Judge Schreinert invited Karen Kelly to discuss her idea related to the creation of a Guardianship Assistance Program. Ms. Kelly explained that she had a goal to create a local program, but she thought it would be better to have a statewide initiated. She stated that she has heard is that there is a lot of misinformation about guardianship in the community. She stated that family guardians get very put off by some degree about the responsibility of guardianship. She indicated training on what guardianship is and what their responsibility is. She stated that it is a two-pronged approach, elaborating that there is information needed prior to guardianship and then after guardianship. She stated that many cases that come to her agency are because families did not understand what their responsibilities are. She stated it would be great for hospitals and other agencies to be able to refer family members to an assistance program that can provide information and resources to families. She stated just a fifteen-minute conversation with family members by a specialist can allay their fears and provide them with needed information and resources. Ms. Kelly explained that the public guardian is the guardian of last resort, because the family is the person who knows the protected person best. Ms. Kelly stated that families can often be scared of the process because of misinformation. She also stated that during the guardianship, families have a lot of question. She explained that there are not a lot of places for families to get their questions answered. She suggested a program where a guardian and legal counsel could meet with the family member to provide information, not specific legal advice, rather information on the process. She offered that many families they have worked with who have had compliance issues did not understand what was needed. She stated that when they just talked about what was required, they had a better understanding. She reported that it would be very beneficial for family guardians to have a person to speak with regarding their questions and that this could preserve their continued service as a family guardian. Judge Schreinert stated this would be a great resource. Micheal Keane suggested that perhaps this could be staff by volunteer attorneys and facilitated by the legal services offices, or the Guardianship Compliance

Office. He stated he would volunteer for a program like this. He also stated that when he participated in the guardianship training program in Washoe County, many of the guardians would come back to training after the initial one, and they would discuss what their issues were at the time. He also recommended that if we were to develop such a program, that it not be limited to legal. He recommended also that the program include specialists in benefits such as social security, Medicaid and social services that are available. He stated that maybe the public guardian could also donate a case manager to also participate to round out the program. Karen Kelly indicated she could do more research on programs. Jim Berchtold provided information on an agency in New York who also offers similar services to what is being proposed. Ms. Kelly acknowledged that funding is usually an issue, but suggested perhaps there are grants available. Ms. Kelly stated that she would like to bring this back to the next Commission meeting, and she can provide an update on what she has found and learned. Judge Schreinert agree to ensure this is on the next agenda. Judge Gentile acknowledged that at the self help centers there is an emphasis on what a guardian is responsible for, but not on what they are not responsible for. Judge Gentile offered that many guardians often feel like they are responsible for all of the protected person's bills, or mortgage. She suggested perhaps creating informational materials for guardians could be helpful as well. Shaunna Brennan offered to help in preparing educational materials. Ms. Kelly also stated that often times family guardians have difficulty with banks, for example they will not allow the guardian access to accounts. She stated that they have given them tips on how to deal with this type of barrier and this could also be part of some of the informational materials created. Judge Schreinert suggested that this be created for both minor and adult guardianship case types. John Michaelson asked how this differs from the self-help desk. Judge Gentile clarified that the self-help desk provides forms and the written instructions but does not discuss on a day to basis the responsibility of the guardians. She also clarified they cannot provide advise beyond the forms. Ms. Kelly echoed Judge Gentile's thoughts and stated that it is the daily questions, for example how to work with a facility or a bank. She stated this is beyond the scope of the self-help center.

VIII. Educational Needs Discussion

Judge Schreinert invited discussion related to educational needs. Judge Schreinert offered that in Washoe County they have restarted the minor guardianship information class. She stated it had stopped during the pandemic. It is being taught by the case compliance specialist monthly. Michael Keene stated he had some contact with the Judicial College, who put together training for judges in guardianship. Kate McCloskey offered that this came out of her grant. She explained that there will be two trainings published soon. The first is a family guardian training which was created by the National Council of Juvenile and Family Court Judges. She explained that the trainings are currently with the Administration on Community Living, who funded it, and should be published shortly. She stated the AOC will translating it to Spanish, Tagalog, and Mandarin throughout the year, and hoping to also translate to Korean, Cantonese, and French. She stated that there will also be an online judicial training. She explained this is also with the ACL for their final review and comments. She stated she would like to open this training up to attorneys, as well as judges. Judge Schreinert stated she participated in an expert convening with the PEW charitable trust gathered judicial officers and advocates throughout the country to discuss minor guardianship. She stated they issues a report out and they are interested in assisting in some trainings and advocacy. She stated if there are issues, we see that need to be

address she can reach out to them. She stated it was very interesting to speak with others across the nation and find they have the same or similar issues.

X. Future Meetings

December 6, 2024, 12:00 – 2:00 pm

Workgroups will meet in between now and then.

Tasks:

- If you are interested in being a part of the Commission, or recommend someone, please email Kate McCloskey
- Please email Kate McCloskey if you are interested in participating in a Workgroup
- Please communicate legislation you learn about please email Kate McCloskey, Judge Gentile or Judge Schreinert
- Email lists will be created for the new work groups and the ongoing work groups.
- Workgroups will meet in between now and then.

IX. Public Comment

Judge Sturman offered that Justice Hardesty received an award from the National College of Probate Judges. She stated he received it for all the work he did to improve guardianship and also the courts in Nevada.