

Supreme Court of Nevada
ADMINISTRATIVE OFFICE OF THE COURTS

KATHERINE STOCKS
State Court Administrator



JOHN MCCORMICK
Assistant Court Administrator

MEETING SUMMARY

Name of Organization: Permanent Guardianship Commission

Date and Time of Meeting: Friday December 6, 2024

Place of Meeting: Remote Access via Zoom:

MEMBERS PRESENT

Judge Denise Gentile	Judge Tamatha Schreinert
Karen Kelly	Lynn Hughes
Micheal Keane	John Michaelson
Jennifer Rains	Judge Sturnam

MEMBERS ABSENT OR EXCUSED

Shelley Register	Hank Cavelerra	Mary Bryant
Lynda Hascheff	Barry Gold	Jim Berchtold
Debra Amens	Jennifer Salem	Jennifer Richards
Jennifer Christie		

AOC STAFF

Kate McCloskey

OTHER ATTENDEES

Mallory Nelson	Jonathan Bye
Andres Moses	Staci Anderson
Tracy Bowles	Kimberly Alexander
Jonathan Norman	Marcus Brouwers
Marina Dalia-Hunt	Melissa A. Brown
Lulie Lindesmith	Emily Reed
Shaunna Brennan	David Spitzer
Dana Sisk	Debra Bookout
Judge Throne	Stephanie McDonald

I. Call to Order

- a. Call or Roll and Determination of Quorum
- b. Approval of Meeting Summary of October 4, 2024, with the following corrections:
Paragraph 4 there is a “T” missing in Judge Schreinert’s name.
- c. Opening Remarks

II. Public Comment:

Melissa Brown introduced herself as the D.A. of White Pine County and stated she appreciated the invitation to attend today’s meeting.

III. Report Out by Workgroups

- a. Forms Workgroup
Emily Reed informed that the Forms Workgroup met on November 22, 2024. They designated Emily Reed and Stephanie McDonald as the Co-chairs. The Workgroup’s next meeting is scheduled for March 28, 2024. The Workgroup will not currently work on forms, as they decided that they would need more information on the outcome of any legislative changes and/or rules changes as a result of the upcoming legislative session.
- b. Rules Workgroup
Mallory Nelson reported that there was a scheduled meeting on November 27, 2024 and she and Judge Young were in attendance. She reported that other members had difficulty getting into the meeting. She stated Judge Young expressed hesitancy on addressing new rules, or amending current rules, due to the upcoming legislative session. He expressed that it might be best to wait until after the session, as there may be legislative changes. They do not currently have a future meeting date set.
- c. NCSC Workgroup
Kate McCloskey reported that Jim Berchtold and she met on November 4, 2024. They reviewed the recommendations made by NCSC and felt that most recommendations will be addressed through the Guardianship Portal that is currently in development. She further reported that the workgroup felt the following recommendations might be easy for the Commission to accomplish:
 - Every order granting guardianship should:
 - Contain findings of fact about the basis of the guardianship, based on a meaningful capacity assessment, and
 - Specify why less restrictive alternatives are not appropriate.
 - Ensure that instructions and/or forms are readily available.
 - Explore ways to increase attorney participation, potentially in partnership with the Bar and with law schools.

There was general discussion related to guardianship forms and in particular the order appointing guardian. Micheal Keane offered that if orders to appoint the guardian are too long, often banks will reject them. Michael also offered that the state approved order

does include the appointment, HIPPA, gun rights, voting rights and the power of the person in the order, however the judge usually writes the order. Judge Gentile indicated that her orders do not have findings of fact or least restrictive alternative in them. Stephanie McDonald offered that the state forms are not mandated and that attorneys and judges have edited them to meet their district's needs. Michael suggested a bench card for judges on making findings. Judge Gentile offered that the language in the order can be cleaned up, and Judge Schreinert offered that findings could be separate, the order simplified. It was suggested this be turned over to the forms committee for consideration. Judge Gentile suggested that Matthew Carling be added to the forms committee. Michael Kean suggested that there could be two orders, one with findings of fact and least restrictive alternative, which would be the order granting guardianship and a shorter order that is usable. Judge Gentile and Judge Schreinert agreed this could be a good way to address this issue, and have an order that is usable and honored by financial institutions.

d. Legislative Workgroup

Judge Schreinert reported that there were two meetings of the legislative workgroup. She stated they discussed AB65, which is the Administrative Office of the Courts (AOC) bill. Feedback has been provided to John McCormick. This bill is currently has been posted, so revisions will need to be made via agreement and through the committee process.

There was general discussions related to service and alternative methods of service.

There were questions related to the special juvenile status. Judge Schreinert stated she would review this outside of the meeting.

There were questions related to the wording on the criminal background checks in AB65, specifically related to consent and how and who gets a copy of the background report. Jonathan Norman indicated that this was feedback that was provided to John McCormick already. He noted also that this could cause a chilling effect in the immigrant community. He also noted concerns related to how long it would take to get a background check back. He reiterated that this is feedback that is being provided to John McCormick to consider. Judge Schreinert stated that these questions did come up in the legislative committee and are being provided to Mr. McCormick.

There was discussion related to when background checks are ordered. Kate McCloskey discussed that they are only done when the court orders a background check and they are not done for all guardianships. Judge Gentile concurred indicating that the language is "may" not "shall" and that they are only ordered when there are concerns in a case. Mr. Keane indicated concerns related to contested cases.

Jonathan Norman had questions related to 1.d. in AB65 related to investigating the suitability of the proposed guardian and inquired if court investigators made findings about suitability. Judge Schreinert and Judge Gentile stated that the investigators just report the facts and the issue of suitability is one a judge will make. Micheal Keane discussed the differences between suitability and qualifications. Tracy Bowles offered

that the language appears to infer that the guardian must meet financial obligations. Discussion between differences between NRS 159 and 159A as it relates to financial obligations. Judge Schreinert and Judge Gentile added that this feedback will be brought back to the committee for review.

LACSN also has a bill related to minor guardianship, which has not yet been sent to the Legislative Council Bureau. The committee has worked with Jonathan Norman on revisions and clarifications. Judge Gentile offered that some changes based on feedback have been made. Johnathan Norman indicated that he and his team took those things that were agreed upon and made changes, but they also added new things. He reported that they are still working on identifying a legislator to sponsor the bill. He indicated it would be helpful to meet in January with his team and those interested in the bill to talk each point through. He stated that there could be a screenshare and the group could edit or flag those items that need more discussion and work. Judge Schreinert stated she will schedule a meeting by the end of the month. Judge Gentile indicated there were a lot of repeals and she will send an email regarding the repeals to Jonathan. Michael Keane stated his interest in participating in the Legislative Workgroup.

e. Mental Health Workgroup

Karen Kelley reported that she is the chair of this workgroup. They met on November 15, 2024. They prioritized three areas of focus:

1. The question of whether guardianship is appropriate for people with mental illness.
2. The increase of protected persons who are being arrested and jailed rather than sent to a hospital for treatment. She reported this leads to competency hearings. She indicated that this group wants to look at the barriers and why they change. She stated they would like to include law enforcement outreach.
3. Limited guardianships for people with mental illness.
4. Role of a Guardian Ad Litem in cases and how they are paid came up.
5. There was discussion related to the ability of a person to direct counsel and a request for a review of the rule related to this. Karen reported this is not an issue specific to mental health, but that the question did come up.

She reported the group will be meeting again on January 24, 2025.

Micheal Keane offered to review the guardianship rules to the workgroup. David Spitzer offered his interest in adding to the discussion and Debra Bookout requested to be added to the workgroup.

f. SIJS Workgroup

Judge Schreinert indicated that this group had not yet met. There was a suggestion to add Judge Throne to this workgroup.

IV. Discussion of Recommended Individuals for Open Commission Seats

There are 8 seats currently open. There were recommendations to add individuals from legal service agencies that represent protected persons in Southern Nevada, Rural Nevada, and Northern Nevada. Jonathan Norman recommended a representative from the Foster Kinship Program. There was a recommendation to add a person who was formerly under guardianship, as well as a representative from the medical field. Judges Gentile and Schreinert will review the list of recommended individuals that have been and select seats to be filled.

V. Legislative Update by Commission Members

There were no updates from Commission members.

VI. Educational Needs

No discussion at this meeting.

VII. Guardianship Assistance Program

Karen Kelly reported on research she has done on development of a guardianship assistance program. She stated that two states, Alaska and New York, do have programs that she is looking into. Alaska has the Family Guardian Program. This program provides information and assistance to people who are considering becoming a guardian or are a guardian for a family member. They have a web page <https://opa.doa.alaska.gov/pg/intro/>. She stated that Washing also has a pro bono volunteer program, and Alabama has a website Alabama Guardianship (<https://alabamaguardianship.org/>) that provides information and assistance to family guardians.

Mick Keane stated that he used to participate in the lawyer in the library programs, and this might be a starting point. He offered his assistance in developing an assistance program for family guardians.

X. Future Meetings

February 21, 2025 1:00 pm – 3:00 pm

IX. Public Comment

None