

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 August 18, 2023 1:00 PM to 3:00 PM

Place of Meeting: Remote Access via Zoom:

Meeting ID..... 872 6897 5464
Meeting Passcode..... 411909

MEMBERS PRESENT

Judge Linda Marquis	Judge Egan Walker	Judge Gloria Sturman
Michael Keane	Jennifer Rains	Jennifer Richards
Elizabeth Brickfield	John Michaelson	Lynn Hughes
Lynda Hascheff	Karen Kelly	Jim Berchtold
Jennifer Salem	Mary Bryant	
Lynda Hascheff	Jennifer Christie	

MEMBERS ABSENT OR EXCUSED

Hank Cavallera	Shelly Register	Debra Amens
Barry Gold	Judge Tamatha Schreinert	

AOC STAFF

Kate McCloskey

OTHER ATTENDEES

Johnathan Norman	Mallory Nelson	Jonathan Bye
Andres Moses	Staci Anderson	Charles Duarte
Debra Bookout	Melissa Zansen-Lipman	Dana Sisk
Nancy Hart	Lisa Hart	Vanessa Miller
Kimberly Alexander	Niki Hake	

I. Call to Order

- a. Call or Roll and Determination of Quorum
- b. Approval of Meeting Summary of October 14, 2022. (Pages 6-12)
- c. Opening Remarks

II. Public Comment: None

III. Welcome and Introduction

IV. Legislative Recap

Judge Walker states the Legal Aid agencies sponsored two guardianship bills for consideration. The chief observation to offer is twofold. Legal Aid agencies do profound work in guardianship caseloads. Lisa Evans, Executive Director of Northern Nevada Legal Aid, is present in the meeting. There is always room for improvement on statutes 159 and 159A. Johnathan Norman, the policy director coalition of legal service providers, promoting bills for Northern Nevada Legal Aid, mentions the session was a wild time. He plans to build on the discussion for improvements on minor guardianships and agrees with Judge Walker that creating a legislative subcommittee is a great idea.

Lynn Hughes asks what the tensions are concerning the bills as she is new to the legislative movements. Judge Walker responded both bills have concerns; the adult guardianship bill made it without waiver, but the minor guardianship bill did not. Judge Sturman states there was pushback from the bar. There is a proposal presented which can be helpful if provided early to avoid pushback. John Michaelson looks forward to working with a committee on the subject to set an example that other states can follow. Relating to the state bar sessions, Jennifer Richards states the legislative planning starts early where a lot of these topics are discussed in meetings. She also offers the probable benefit of a previous bill passed in legislation with surveillance monitors in guardianships. Johnathan has a list of previous bills pertaining to this matter.

V. Review of Executive Summary from NCSC (Pages 14-16)

Judge Marquis asks Judge Walker if the specific line-item details containing approximation of dates could be taken out of the order. He agrees. The audit or case management order would come from a Supreme Court Justice. She and Judge Walker request that the Chief Justice issues that order to all justice courts to conduct an audit and prepare a management order that indicates all active guardianships statewide. This is problematic for numerous reasons; some courts cannot access this management system as they use paper. In the Eighth this will be a task because of volume of the cases, and they lack IT capacity. This is up to the Chief Justice to act upon the recommendation, but it is anticipated a meeting will occur in 2024.

Capacity Assessments are going to be a major focus in judicial training scheduled for September 2023. This is a two-day training designed by the Judicial College in conjunction with National Center for State Boards and their evaluations and surveys of the judges in Nevada. The capacity assessments that we have and the restrictions in the

rural areas have large distances between hospitals in states. The other part of that training is less strict alternatives identified previously. This training will be recorded and available to judges.

Instructions and forms readily available to report concerns and ending of guardianships: Judge Marquis recommends a form that could be submitted to the hotline locations for compliance. The offices are working together to compile this for everyone's benefit. The hotlines will remain accessible via phone as well. The petition to terminate and request an end to the guardianship is available on the state website and court websites. Some courts don't have a self-help option. The portal is being developed and will be available in the coming years. This will be another topic discussed at judicial training. Many of the courts in Nevada don't have e-filing. Once the portal is established, all courts will be able to use it. It's available to courts *after* the guardianship has been established. It will have the ability to email and text reminders. Protocols for reports are currently being worked on. Red flags for cases are developed over time, mostly based on common sense. In one instance, an opportunity to utilize money in a casino was permitted to a protected person, but it's still important this is flagged. It is important that these red flags are not publicized to avoid individuals working around the flags. Plain language review for all forms and a review of them at the same time are necessary. This will assist the clerk's office in having information readily available concerning the guardianship.

Increase attorney participation: Michael Keane states it is beneficial to have discussions with other guardianship attorneys. He hadn't heard of the idea about the emails and says he'd love to get it to be informed. He recommends a statewide email for continuity. Judge Marquis appreciates Michael's interest in the email. One of the issues that may inhibit this is geography. If the rural courts are encouraged to appear virtually it'd be beneficial. Ms. Bookout states there is clear benefit of this regardless of the county and representation should be equal across the board but doesn't know how it'd work. Judge Walker responds appearing virtually is acceptable when the attorney is 5+ hours away. Ms. Bookout is open to training for the legal services organizations. Lisa Evans refers this topic to Dave Spitzer and would be able to speak to this. David Spitzer states he represents Carson City, Storey, Douglas and Lyon counties, and there is not a big pushback with not appearing in person when zoom is available. He is unsure of how protected person representation in rural counties is handled, but Northern Nevada Legal Aid assigns an attorney to each new case. Judge Marquis mentions the website will include that form and have it available to the petition to terminate and request the end of the guardianship. Some rural courts websites have self-help centers but there are some boards who do not have an in-person service center or online service center.

VI. Discussion Regarding Concerns with Mental Health in Adult Guardianship Cases

- a. Judge Marquis states in the beginning period, the civil, criminal capacity and guardianship has mental health issues overlap quite a bit. In smaller districts it's the same judge handling all three types of cases, and the judge knows what's going on. In larger districts we don't, and there's a lot of crossover certain instances from an outside perspective an adult protected person could get arrested and sent to the detention center. and the guardians might not know. The underlying issue of mental health across these

case types is a big issue for our state but nobody else is going to solve this problem. The judges in Washoe and Clark County revolted and decided this is an issue and no one is fixing it; we cannot wait any longer. Washoe has started working on their program and speaking with the county along with judges and commissioners. They will be traveling to Miami in October to conduct a site visit that Washoe has already visited and will work together to solve this complicated issue. Judge Marquis mentions the numbers are outrageous. This will be worked on procedurally and substantively to meet the needs of those protected people so they're not coming back to the port through civil commitment or criminal capacity is important and we'll continue to work on that.

VII. Discussion Regarding Impact of the Special Immigrant Juvenile Status in Minor Guardianship Cases

- a. There are not as many in Washoe as there are in Clarks. Even though there are minor cases, there are adult cases as well. Judge Marquis would like to extend this statewide. Judge Marquis mentions we have an SIJS bench bar but wanted to expand that so we took into consideration any issues that council might have and creating an SIJS subcommittee. The UNLV law school immigration clinic in their community clinic have a lot of SIJS cases and the vast majority of those cases have really specific needs and issues. With a subcommittee we can assist, as those cases may increase in Northern Nevada. Ms. Bookout asks where Judge Marquis found the data, she answers that's internal data and she asked IT for three things: criminal competency, civil commitment and adult guardianship. There is a date certain for criminal competency we didn't start counting competency separately until a specific date, so data doesn't go back as far. The civil commitment data goes back far and civil cases are sealed so you can't do a search as easily. Judge Marquis anticipates errors in this search as it has certain specifications. Judge Walker suspects we'll see the same thing with high numbers in Washoe county. Judge Walker and Judge Lou went on the same trip and anticipates finding the same numbers across the state, and it is stunning. Judge Marquis says these numbers are based on petitions filed. Judge Marquis asks if anyone is opposed to making any of these recommendations more important than the others. Judge Walker requests to move to approve the meeting minutes prior and Ms. Bookout seconds. No discussion, and motion accepted. Judge Marquis has given everything about the same priority. Ms. Evans has two comments. Prioritizing rural representation issue – she is happy to participate and is from Churchill County. For SIJS cases, Ms. Evans is attempting to hire an attorney for the program without success. No new cases will be accepted until the position is filled.

VIII. Educational Needs

- a. The statutory requirement as an educational issue ceases at the age of majority for minor guardianships. The main recommendation is that there is no continuation. There must be a termination of the minor guardianship and adult guardianship must be initiated separately. Sidenote: judges have been trained in an antiquated manner; being handed a binder in a room and never looking back at it. Judge Marquis recommends to try to get information to judges when and where they need it, that's specific and targeted. She recommends a system with an email every six weeks targeting a specific, detailed issue. The email has a bench card and statutes on the issue. This email can be put into a subfolder or printed whenever the issue arises. Judge Marquis states the AOC has been

very helpful with keeping the judges updated. Annual trainings have a lot of information at once. Lisa Evans asks if there's a way to get this targeted email and is the judicial training only for judges? Judge Marquis answers the judicial college is putting the training on, assuming the funding will only cover judges. The video may be available after the training, but she will find out. Judge Walker recommends sharing the email with the bar to show them the judges' point of view. There are issues with helping self-help staff; Judge Marquis and Judge Walker will give them additional training to assist litigants in both minor and adult guardianship cases. A formal request will be sent and if there is no response, follow-up will be made to see what action will be taken. Ms. Evans has questions about the plain language review and would like to participate. She states she has a robust training center that assists petitioners with different forms and would like to learn about how to implement the training.

- a. **Training Update:** Specific training Judge Marquis is excited about will be available through the portal and can be ordered by a judge for old or new cases. Guardians can go back and watch the portion on accounting for example, if need be. It is scheduled to be launched in March of 2024, possibly May.

IX. Business and Action Items

- a. **Prioritization of Recommendations Made by NCSC Report (See Executive Summary and Report):** Judge Marquis would like to make a motion to prioritize and implement all recommendations. Judge Walker would like to offer an amendment to adopt all recommendations as a non-exclusive list. Judge Walker seconds Judge Marquis' motion and all are in favor, none opposing.
- b. **Identification of Work Groups to Address Recommendations**
- c. **Creation of Legislative Subcommittee**
- d. **Creation of Subcommittee on Mental Health Issues in Adult Guardianship:** If you have any great explosive ideas, send them to Judge Walker and Judge Marquis.
- e. **Creation of SIJS Subcommittee:** Judge Marquis invites meeting members to discuss through email the SIJS workgroup.

Open Forum and Discussion of Current and Future State Issues: Mr. Berchtold left NNLA so there is no formal replacement for his position. He would like to appoint Debra Bookout. Judge Marquis mentioned there is a list she formulated. She would like more rural representation and that's the order that comes from the Supreme Court. Ms. Bookout recommends the perspective of an unrepresented guardian would be helpful and important. Medical Providers may also have helpful input. Judge Walker states everyone has been helpful in reaching out. If an issue arises, the judges try to harmonize practice across the state, so feedback is critical. Ms. Bookout requests clarification on her position on the committee, and Judge Marquis explains the request must be sent to the Supreme Court and it may take time. Meetings are not open to everyone.

- X. Future Meetings:** Judge Marquis asks Judge Walker to pull his calendar and recommends January or February. Judge Walker says January 12th, 26th, and Judge Marquis is available for both. January 12th has been decided.
- XI. Public Comment:** Nicki Hake works with Aging and Disability as the community engagement manager. She states they recently hired regional coordinators as part of the community engagement team the regional coordinators will be beneficial in providing outreach and education related to all ADSD programs and services to the healthcare providers and facilitate opportunities for collaborative outreach efforts. The Regional coordinators are Lori Ludo, Clark County, Kelsey Meyer oversees Carson City, Douglas, Storey, Mineral, Churchill and Lynn counties, and Autumn Blakeman is with Washoe County. Judge Marquis recommends an introductory meeting to establish names and faces.
- XII. Adjournment:** Judge Walker moves to end the meeting and Judge Marquis seconds the motion.