

TASK FORCE ON ALZHEIMER'S DISEASE MEETING
February 3, 2016
Report on Supreme Court Guardianship Commission

The original Supreme Court order creating the Commission stated that the work was to be completed by December, 2015. When it became evident that there was too much to do in six months, a new order was signed, giving the Commission until May, 2016 to complete the task. There is still much to be done.

All Commission members submitted priority issues to Justice Hardesty, and he and his staff combined them into 29 recommendations for the Commission to vote on. The Commission has voted on 15 in the last two meetings, and Justice Hardesty expects all of them to be discussed and decided by the end of the April meeting.

One of the approved recommendations is that the Supreme Court establishes a permanent commission to address issues of concern to those who would be subject to guardianships or alternative to guardianship processes in Nevada. Much attention is being paid to including people of all ages and all abilities in the conversation, knowing that while older persons have been the focus of the public testimony, people of all ages and abilities are affected by the guardianship process.

Another approved recommendation is to include in the Nevada Revised Statutes a Bill of Rights for persons subject to guardianship jurisdiction. A subcommittee was formed to draft the Bill of Rights. Another group will work on changing the terminology in NRS, finding that the terms ward, permanent guardianship, incompetence, and others are no longer appropriate.

The Commission has approved the recommendation that adults facing guardianship must have their own attorney, and is discussing the proposal that the adults must be at every hearing concerning them unless the court finds that the reason they are not present is reasonable.

There are many other issues being discussed and voted upon, many of them technical legal questions. Then, it must also be decided how to turn the Commission's recommendations into action. The choices are legislative, court order, court rules, or suggestions to practitioners.

This is a forward-looking project where the Commission is considering all the new scholarship and best practices in the field as well as what other states which have recently reformed their guardianship statutes have done.