

Joe Lombardo
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ADSD Advocacy Attorney Services & Priorities

Shauna Brennan, Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition NRS 427A

2024



Department of Health and Human Services

Helping people. It's who we are and what we do.



Agenda

1. Overview of the ADSD Advocacy Attorney Position
2. ADSD Advocacy Attorney Objectives
3. Specific Objectives
4. Applicable Statutes



ADSD Advocacy Rights Attorney Mandates

The ADSD Advocacy Rights Attorney responsibilities pursuant to NRS 427A.1234 include (for convenience the terms “vulnerable person” means “older persons (aged 60 and older) and persons with a physical disability, an intellectual disability, or a related condition”):

- (a) Provide advocacy and education relating to the legal rights of vulnerable persons and shall facilitate the development of legal services to assist those persons in securing and maintaining their legal rights.
- (b) Provide, upon request, technical assistance, training and other support relating to the legal rights of vulnerable persons, as appropriate.
- (c) Review existing and proposed policies, legislation and regulations that affect vulnerable persons and make recommendations as appropriate to the Administrator.
- (d) Review and analyze information relating to the nature and extent of abuse, neglect, exploitation, isolation and abandonment of vulnerable persons to identify services that need to be provided. , including, without limitation:
 - (1) Methods of intervening on behalf of an older person, a person with a physical disability, a person with an intellectual disability or a person with a related condition to protect the older person, person with a physical disability, person with an intellectual disability or person with a related condition from abuse, neglect, exploitation, isolation or abandonment; and
 - (2) Enforcing the laws of this state governing abuse, neglect, exploitation, isolation and abandonment of older persons, persons with a physical disability, persons with an intellectual disability or persons with a related condition.



ADSD Advocacy Rights Attorney Duties

ADSD Technical Assistance & Resource Development NRS 427A.1234(1)

1. Legislation & Policy Support
2. Legal training
3. Grievance Policy for denial of state services

Interventions & Enforcement (Complaints; Investigation & Resolution)

Resolve complaints relating to the abuse, neglect, exploitation, isolation or abandonment of an older person, a person with a physical disability, a person with an intellectual disability or a person with a related condition. NRS 427A.1234(2)(a)(b)(d)(h)

Coordinate across State and Local departments, non-profit organizations. NRS 200.5091



Financial Management Services

Develop services relating to financial management for an older person, a person with a physical disability, a person with an intellectual disability or a person with a related condition who is at risk of having a guardian appointed by a court to manage his or her property. NRS 427A.1234(2)(e)

Coordinate Legal Assistance and State Legal Assistance Developer (42 U.S.C. § 3058j)

1. Service coordination and management: coordinate and provide oversight of legal assistance providers (LAP) and application of grant funds
2. identify critical legal needs
3. ensure that LAP operate in compliance with state and federal laws, including Olmstead Plan and OAA mandates
 - a. LAP meet critical legal needs
 - b. Quality Assurance: LAP provide highest quality service
 - c. Targeting: LAP target those in greatest need

Amicus Curiae

Appear as amicus curiae on behalf of older persons, persons with a physical disability, persons with an intellectual disability or persons with a related condition in any court in this state. NRS 427A.1234(2)(g)



Protection of Vulnerable Person

Individual Representation: Represent and assist any incapacitated older person, person with a physical disability, person with an intellectual disability or person with a related condition until a guardian is appointed for that person. NRS 427A.1234(2)(c)



NRS 427A.1234 Duties and powers of Attorney.

1. The Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition shall:

(a) Provide advocacy and education relating to the legal rights of older persons, persons with a physical disability, persons with an intellectual disability or persons with a related condition and shall facilitate the development of legal services to assist those persons in securing and maintaining their legal rights.

(b) Provide, upon request, technical assistance, training and other support relating to the legal rights of older persons, persons with a physical disability, persons with an intellectual disability or persons with a related condition, as appropriate, to:

(1) An attorney who is providing legal services for an older person, a person with a physical disability, a person with an intellectual disability or a person with a related condition;

(2) An employee of a law enforcement agency;

(3) The Ombudsman or an advocate;

(4) An employee of an office for protective services of any county;

(5) An employee of the Division; and

(6) Groups that advocate for older persons, persons with a physical disability, persons with an intellectual disability or persons with a related condition.

(c) Review existing and proposed policies, legislation and regulations that affect older persons, persons with a physical disability, persons with an intellectual disability or persons with a related condition and make recommendations as appropriate to the Administrator.

(d) Review and analyze information relating to the nature and extent of abuse, neglect, exploitation, isolation and abandonment of older persons, persons with a physical disability, persons with an intellectual disability or persons with a related condition to identify services that need to be provided, including, without limitation:

(1) Methods of intervening on behalf of an older person, a person with a physical disability, a person with an intellectual disability or a person with a related condition to protect the older person, person with a physical disability, person with an intellectual disability or person with a related condition from abuse, neglect, exploitation, isolation or abandonment; and

(2) Enforcing the laws of this state governing abuse, neglect, exploitation, isolation and abandonment of older persons, persons with a physical disability, persons with an intellectual disability or persons with a related condition.



2. The Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition may:

(a) Have access to, inspect, copy and subpoena all records in the possession of any clerk of a court, law enforcement agency or public or private institution, wherever situated, that relate to the abuse, neglect, exploitation, isolation or abandonment of an older person, a person with a physical disability, a person with an intellectual disability or a person with a related condition.

(b) Have access to all written records in the possession of any person, government, governmental agency or political subdivision of a government that relate to the abuse, neglect, exploitation, isolation or abandonment of an older person, a person with a physical disability, a person with an intellectual disability or a person with a related condition.

(c) Represent and assist any incapacitated older person, person with a physical disability, person with an intellectual disability or person with a related condition until a guardian is appointed for that person.

(d) Use the information obtained pursuant to paragraphs (a) and (b) to resolve complaints relating to the abuse, neglect, exploitation, isolation or abandonment of an older person, a person with a physical disability, a person with an intellectual disability or a person with a related condition.

(e) Develop services relating to financial management for an older person, a person with a physical disability, a person with an intellectual disability or a person with a related condition who is at risk of having a guardian appointed by a court to manage his or her property.

(f) Act as the state legal assistance developer as described in 42 U.S.C. § 3058j.

(g) Appear as amicus curiae on behalf of older persons, persons with a physical disability, persons with an intellectual disability or persons with a related condition in any court in this state.

(h) Perform such other functions as are necessary to carry out the duties and the functions of the office of the Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition.

(Added to NRS by [1989, 1485](#); A [1999, 126](#); [2009, 40](#); [2015, 834](#); [2017, 177](#))



Abuse Prevention - Statewide Effort Coordination

Policy of State NRS 200.5091 It is the policy of the State of Nevada to provide for the cooperation of law enforcement officials, courts of competent jurisdiction and all appropriate state agencies providing human services in identifying the abuse, neglect, exploitation, isolation and abandonment of older and/or vulnerable persons through the complete reporting of abuse, neglect, exploitation, isolation and abandonment of older and/or vulnerable persons. (Added to NRS by 1981, 1334; A 1997, 1348; 2005, 1107; 2015, 804)



Questions?



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