

Guardianship in Nevada

Marina Dalia-Hunt, Esq., Katie Anderson, Esq. & Jonathan Norman, Esq.

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Guardianship

- Adult Guardianship under NRS 159
 - Protected Persons' Rights
 - Least Restrictive
 - 2017 Reforms
- Minor Guardianship under NRS 159A
 - Similarity to NRS 432B Cases
 - 2017 Reforms

Adult Guardianship Representation

- Northern Nevada Legal Aid and Legal Aid Center of Southern Nevada:
 - 2023 opened almost 1,000 new adult guardianship cases for direct representation
 - Approximately 4,000 open adult guardianship cases
- Direct Representation of the Client
 - Rights are best protected by attorneys who are client directed

Adult Guardianship Challenges

- Common Challenges in Practice
 - Actualizing the Protected Persons' Bill of Rights
 - Forced Visitation
 - Analysis of Fees
- Other Challenges
 - Appeals for significant life altering court orders

Minor Guardianship

- Northern Nevada Legal Aid and Legal Aid Center of Southern Nevada:
 - 2023 opened over 600 new minor guardianship cases for direct representation
 - Approximately 500 open minor guardianship cases
- Direct Representation of the Client
 - Client directed representation assures the voice of the child is heard and their rights are protected

Minor Guardianship

- Typical Reasons Minor Guardianships are Filed:
 - Lack of resources
 - Parental abandonment
 - Both parents deceased
 - Death of a parent
 - Physical/Sexual abuse
 - Untreated mental health
 - Untreated substance abuse
 - Other safety issue
 - Other parental unavailability

NRS 159A versus NRS 432B

- Safety
 - Immediate safety
 - Intermediate safety
 - Long term safety
- Support
 - Immediate support
 - Intermediate support
 - Long term support

Minor Guardianship Challenges

- 2017 Reforms:
 - Competing petitions
 - Appointment of counsel
 - Two-tiered system for termination of guardianship
- Child off-centered
 - Emergency
 - Age 14
 - Relationship
 - Factors
 - Family contact
 - Informed consent

In Practice:

- Medical emergency: child needing medical treatment for kidney failure.
 - Petition for Temporary Guardianship DENIED
- Homelessness, domestic violence, felony child abuse:
 - Petition for Temporary Guardianship DENIED
- Substance abuse, legal 2000, Child Protective Services present danger plan: parent released comes to pick up child.
 - Petition for Temporary Guardianship DENIED.

Questions?

Contact:

Marina Dalia-Hunt, mdaliahunt@lacsns.org.

Katie Anderson, kanderson@lacsns.org.

Jonathan Norman, jnorman@lacsns.org.