

SENATE CONCURRENT RESOLUTION NO. 4—SENATOR HECK

FEBRUARY 13, 2007

JOINT SPONSOR: ASSEMBLYWOMAN MCCLAIN

Referred to Committee on Legislative Operations and Elections

SUMMARY—Directs the Legislative Commission to conduct an interim study concerning guardianships for adults. (BDR R-386)

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

SENATE CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study concerning guardianships for adults.

1 WHEREAS, In recent years, the State of Nevada has experienced
2 a rapid growth in the population of persons 65 years of age and
3 older, and it is anticipated that by the year 2025 persons 65 years of
4 age and older are expected to make up about 21 percent of this
5 State's population; and

6 WHEREAS, By the year 2025, this State's population of persons
7 85 years of age and older is expected to experience an increase of
8 144 percent, making Nevada the sixth fastest growing state in the
9 nation of persons in this age bracket; and

10 WHEREAS, As this State's population ages, an increasing
11 number of the persons within that population are likely to be struck
12 by medical conditions which incapacitate those persons; and

13 WHEREAS, An adult who becomes incapacitated by reason of
14 advanced age, mental illness, mental deficiency, disease, weakness
15 of mind or any other cause may require the assistance of a guardian
16 if that adult is not able to make or communicate responsible
17 decisions concerning his person or property, or has become
18 susceptible to fraud or undue influence; and



1 WHEREAS, When a court appoints a guardian for an adult who
2 has been deemed incapacitated, the court may remove certain of
3 those adult's rights, which rights are significant in nature; and

4 WHEREAS, Ensuring protections for the growing number of
5 adults who need a guardian is of great importance to the Legislature;
6 now, therefore, be it

7 RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE
8 ASSEMBLY CONCURRING, That the Legislative Commission is
9 hereby directed to appoint a committee, consisting of three members
10 of the Senate and three members of the Assembly, to conduct an
11 interim study concerning guardianships for adults; and be it further

12 RESOLVED, That the Legislative Commission shall appoint an
13 advisory committee composed of 14 nonvoting members who are
14 not Legislators to assist the committee, as follows:

15 1. Two members who are private attorneys duly licensed by the
16 State Bar of Nevada;

17 2. Two members who are justices or judges of the Judicial
18 Department of State Government;

19 3. One member who is the county manager or like
20 administrative officer of a county whose population is 100,000 or
21 more, or his designee;

22 4. One member who is the county manager or like
23 administrative officer of a county whose population is less than
24 100,000, or his designee;

25 5. One member who is the public guardian of a county whose
26 population is 100,000 or more, or his designee;

27 6. One member who is the public guardian of a county whose
28 population is less than 100,000, or his designee;

29 7. Two members who represent the interests of private business
30 organizations that provide guardianship services to adults for profit;

31 8. Two members who are private persons who serve as the
32 guardian of an adult relative or family member; and

33 9. Two members who have the appropriate expertise in
34 technical and policy areas to advise the committee; and be it further

35 RESOLVED, That the study must include, without limitation:

36 1. A review and evaluation of the statutes and regulations of
37 this State relating to guardianship;

38 2. An examination of the due process rights of allegedly
39 incapacitated adults, including, without limitation, whether such an
40 adult should have mandatory representation in court and whether
41 such an adult should be present in court at a hearing during which
42 his rights are taken away;

43 3. An analysis of the availability of legal representation to
44 assist allegedly incapacitated adults, including, without limitation,
45 ways in which such availability may be enhanced or expanded;



1 4. Consideration of the process by which guardianship fees are
2 assessed and awarded, including, without limitation, the
3 reasonableness of such fees and whether it creates a conflict of
4 interest for a public guardian to set the fees that he charges to
5 provide guardianship services;

6 5. An examination of the specific challenges relating to
7 guardianships for adults that exist in the rural counties of this State,
8 including, without limitation, the ability to provide guardianship
9 services in such counties when little or no money may be available
10 to pay for those services;

11 6. An assessment of the manner in which adults are diagnosed
12 as incapacitated precedent to the creation of a guardianship and the
13 manner in which notations made in a person's medical chart may
14 affect the future care and placement of the person;

15 7. An investigation of the issues surrounding the creation and
16 use of temporary guardianships, including, without limitation, the
17 degree to which a temporary guardian should be allowed to control
18 important choices relative to his ward and the period for which a
19 temporary guardianship should last before a full guardianship
20 hearing is held;

21 8. Discussion of the qualifications of guardians for adults,
22 including, without limitation, the creation of training programs for
23 persons who become the guardian of a friend or family member;

24 9. A review of the procedures pursuant to which guardianships
25 are monitored, including, without limitation, the oversight of for-
26 profit guardians, the consistency and frequency with which reports
27 are made and whether data pertaining to guardianships should be
28 collected on a statewide basis; and

29 10. Consideration of issues related specifically to the health
30 and well being of adult wards, including, without limitation,
31 advocacy for such persons and whether, for certain persons,
32 alternatives to guardianship may be more appropriate; and be it
33 further

34 RESOLVED, That any recommended legislation proposed by the
35 committee be approved by a majority of the members of the Senate
36 and a majority of the members of the Assembly appointed to the
37 committee; and be it further

38 RESOLVED, That the Legislative Commission shall submit a
39 report of the results of the study and any recommendations for
40 legislation to the 75th Session of the Nevada Legislature.

