

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON JUDICIARY**

**Seventy-Ninth Session
May 15, 2017**

The Committee on Judiciary was called to order by Chairman Steve Yeager at 8:34 a.m. on Monday, May 15, 2017, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/79th2017.

COMMITTEE MEMBERS PRESENT:

Assemblyman Steve Yeager, Chairman
Assemblyman James Ohrenschall, Vice Chairman
Assemblyman Elliot T. Anderson
Assemblywoman Lesley E. Cohen
Assemblyman Ozzie Fumo
Assemblyman Ira Hansen
Assemblywoman Sandra Jauregui
Assemblywoman Lisa Krasner
Assemblywoman Brittney Miller
Assemblyman Keith Pickard
Assemblyman Tyrone Thompson
Assemblywoman Jill Tolles
Assemblyman Justin Watkins
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Nicole J. Cannizzaro, Senate District No. 6
Senator Julia Ratti, Senate District No. 13



STAFF MEMBERS PRESENT:

Diane C. Thornton, Committee Policy Analyst
Brad Wilkinson, Committee Counsel
Linda Whimple, Committee Secretary
Melissa Loomis, Committee Assistant

OTHERS PRESENT:

James W. Hardesty, Associate Chief Justice, Supreme Court of Nevada
Barbara E. Buckley, Executive Director, Legal Aid Center of Southern Nevada
James P. Conway, Executive Director, Washoe Legal Services
Catherine Falk, Founder, The Catherine Falk Organization
Karen Kelly, Public Guardian, Clark County
Kim Spoon, Co-Owner, Guardianship Services of Nevada, Reno, Nevada; and
representing Nevada Guardianship Association
Jennifer Noble, Deputy District Attorney, Washoe County District Attorney's Office;
and representing Nevada District Attorneys Association
Mekhi Overton, Private Citizen, Las Vegas, Nevada
Stephanie Mahler, Private Citizen, Las Vegas, Nevada
Alice Ledesma, Division Director, Children's Services, Washoe County Department
of Social Services

Chairman Yeager:

[Roll was called and protocol was explained.] We have three bills on the agenda this morning, and will take them in reverse order from what you see on the agenda. At this time, I will open the hearing on Senate Bill 433 (1st Reprint).

**Senate Bill 433 (1st Reprint): Revises provisions relating to guardianships.
(BDR 13-487)**

James W. Hardesty, Associate Chief Justice, Supreme Court of Nevada:

It is nice to be back in front of you to provide some information regarding the final two bills that were part of the reforms recommended by the Commission to Study the Administration of Guardianships. I know the Committee is familiar with the Guardianship Commission's efforts and their many recommendations, so I do not want to waste your time going through all of it. Generally speaking, these bills deal with other components of the guardianship issues. Senate Bill 433 (1st Reprint), which I will briefly go over, addresses a myriad of issues. It is kind of like Assembly Bill 130 (1st Reprint) that had a whole group of issues that you were addressing, as did Assembly Bill 319 (1st Reprint) with the minor guardianship provisions. Senate Bill 433 (1st Reprint) does the same with certain areas. The key component of Senate Bill 360 (1st Reprint) that the Guardianship Commission addressed concern with were the words "protected persons' bill of rights." Senator Cannizzaro will talk about that provision as well as some criminal statutory reforms that she has proposed as part of that bill.

Senate Bill 433 (1st Reprint) is divided into four primary objectives. The first objective is to set in place a mechanism that addresses the right of a protected person to be able to communicate with family and friends. We found in the Commission testimony and in various issues in other states that protected persons had frequently been restricted in their ability to communicate with family and friends and receive information and access to those individuals and had really been isolated once the guardianship process had commenced. Sections 4 through 11 of the bill address the mechanism by which that is changed. It starts with a presumption that guardians will not restrict someone from communication, and then there are various exceptions created in the bill. All of the exceptions and all of these actions are subject to court review, which is a major shift in the approach.

The next area had to do with a similar type of problem. It had to do with the obligation of the guardian to provide notification to people—interested persons, family members—about events affecting the protected person's life, estate, and events. So sections 12 and 13, along with some other provisions in section 26, deal with those notification requirements, and the objective of those portions of the bill to increase the nature of communication of the protected person's well-being and other issues surrounding their life.

Section 17 creates civil liability for guardians who violate a protected person's rights and creates a basis for the judge supervising the guardianship proceedings to impose actual damages times two plus attorney's fees and costs for areas which are found to be deliberately harmful or fraudulent or to have been committed with malice. You will recall that a key provision of Assembly Bill 130 (1st Reprint) was—and the most important recommendation made by the Guardianship Commission—providing legal counsel to protected persons. That was one of the most significant issues that the Commission felt would have probably reduced a number of problems associated with abuse.

We recognize this creates a fiscal issue, so we created a mechanism by increasing the amount for recording fees to help fund the appointment of counsel for all persons subject to guardianship. Those provisions are contained in sections 32, 33, and 36 of the bill.

That is essentially S.B. 433 (R1) and the four objectives of the bill. I would be happy to answer any questions on that bill. I want to thank Nina Laxalt and the Nevada Guardianship Association. They provided a proposed amendment ([Exhibit C](#)) that added subsections 4 and 5 to section 5 of the bill, which were good additions with respect to circumstances or exceptions around the guardianship notification to family and the right to visit. The most obvious is if someone is under a criminal investigation, there might be a reasonable basis for restricting access. Those were really good suggestions, and we appreciated them.

Senator Nicole J. Cannizzaro, Senate District No. 6:

I have testimony on Senate Bill 360 (1st Reprint), which obviously relates to the work the Guardianship Commission did insofar as it does include a ward's bill of rights. I am happy to go over that if the Committee would like; otherwise, I can certainly assist in answering any questions the Committee might have on S.B. 433 (R1).

Chairman Yeager:

Are there any questions on S.B. 433 (R1)?

Assemblyman Pickard:

I have been following the guardianship issues pretty closely this session, and I appreciate the attention we are paying to it. One of the things that caught my attention was the definition in section 3 of a person of natural affection. I recognize this is fairly broadly defined where we are trying to give access to close friends. Could you expand a little bit on who we are trying to categorize?

Justice Hardesty:

This individual is probably the best example of who we are trying to capture. A lady who does not have any immediate family living in Las Vegas was the subject of a guardianship proceeding. She was whisked away from her home and taken to a care facility. Her neighbor across the street was a very close friend. They had been friends when they worked together and they had been friends throughout much of the time that they had been neighbors—a period of probably as much as 30 years. This lady was unable to find her friend. She could not locate her, did not know where she had been taken, had checked hospitals, and did not realize that she was the subject of a guardianship proceeding. That is exactly the person who we are trying to address through this bill. There are many other similar examples.

Assemblyman Pickard:

As we are allowing access to the person of natural affection—we are not talking about them being guardian, but them just having access—is that with the intent of allowing them to add to the oversight of the overall case?

Justice Hardesty:

When a relationship has been created—I think it is part of just providing a support and an awareness mechanism when you have that relationship. Just because you are now the subject of a guardianship, your whole life should not be completely severed and segregated. It has nothing to do with whether this individual would become a guardian. This is simply an issue of access. The court will decide who is going to be appointed as guardian, based upon the priorities that were established in existing statutes and the amendments made in A.B. 130 (R1).

Assemblywoman Cohen:

Regarding section 12, subsection 3, paragraphs (c) and (d) and then section 12, subsection 5, I have a question which has to do with notification and almost going along with the same thing you were discussing—letting people know where protected persons are. In some situations, you have protected persons who make frequent trips to the hospital. I am somewhat concerned that we are putting a real burden on the guardian having to constantly communicate when they are going back to the hospital when these trips to the hospital can be extremely frequent. Would you address that?

Justice Hardesty:

That was discussed, and we believe it is important for family members to be aware that the protected person is being taken to the hospital or to a place other than their residence. It does say for more than three days, so an emergency room visit would not apply in paragraph (c) but certainly would in paragraph (d). We had several instances where people who testified to the Guardianship Commission were outraged that they had not even been notified that their mother or father had been taken to an emergency room facility and was being treated there. We think this is a reasonable expectation for the guardian to fulfill.

Assemblywoman Cohen:

Certainly, that is understandable, and family's concerns are definitely understandable. In subsection 5, it talks about notice to the court. Where it obviously makes sense for the family to get an email, call, or text saying, I am taking your mom back to the hospital, or I am meeting your mom's doctor at the hospital because there has been another incident, we will be at this hospital, this is what we know so far—does there have to be notice to the court each time?

Justice Hardesty:

No. The notification provisions are to those who were listed in section 6 and specifies the persons who are to receive notice. Section 5 is addressing the obligation of the guardian in expanding their authority to act without permission of the court, but ultimately requiring them to provide notification to the court that this happened.

Assemblywoman Cohen:

Okay, but it is not each time they are going back to the hospital that they are having to make a notice to the court. It is an overall—there is this condition and there is going to be treatment.

Justice Hardesty:

It would be necessary for the guardian to file a notice with the court and serve notice of the action taken. If you are talking about repeated incidents, I would think that over the course of 24 hours or 48 hours those could be collected, particularly if someone was in on the weekend. The intent of this—certainly each time there is an admittance and some action taken, the court is notified of it. Part of the problem is that from the judge's perspective, they did not know about this, and they want to know about this. Many people are the subject of the guardianship of their person, not just their estate. In fact, for many indigent people, the guardianship is principally focused on their person. This is targeting that care.

Assemblyman Elliot T. Anderson:

Looking at section 6, the phrase "good cause" is used, and I want to verify that "good cause" is used in both subsection 1 and subsection 3. Good cause would just simply be those factors contained within subsection 3 for both, correct?

Justice Hardesty:

Yes.

Assemblyman Elliot T. Anderson:

My next question revolves around section 8, subsection 1, where the phrase "abuse of discretion" is used. Does that mean that the district court will basically be reviewing for an abuse of discretion, or is something else contemplated there?

Justice Hardesty:

What is contemplated is an evaluation by the court of an abuse of discretion by the guardian. Obviously, the review of that discretion is compared with the various obligations that exist through the guardianship statutes, including—hopefully—the addition of the bill of rights. The judge will be second-guessing guardians with respect to the discretion that they have exercised indeed. This is not the same standard of review that a court would apply, for example, to an administrative agency. The standards that are being reviewed are the standards which are spelled out in the statute as to the care and the responsibilities that the guardian adopts when they take their oath to take over their responsibility of being a guardian.

Assemblyman Elliot T. Anderson:

That is what I thought; I just wanted to verify since that, as you know very well, as a term has a meaning, so I want to ensure that the court would not have to give deference in that instance.

Justice Hardesty:

There are some areas in the statutes that afford the guardian deference; for example, the one that I was just discussing with Assemblywoman Cohen. The guardian initially has the right to make decisions while that patient is in the emergency room and that notice is given. I suppose one would consider the court's review of that action to be an exercise of discretion, but in the context of that decision making, I do not think you would be characterized as an abuse of discretion when you are exercising your authority to reasonably make medical decisions in an emergency care setting.

Assemblyman Ohrenschall:

My question has to do with section 5, subsection 2. Reading the language there and thinking about some of the stories I have heard about some of the different problems with guardianships that have come about where we have had warring relatives who believe they are going to be future heirs but may not be happy with how testamentary documents may be proceeding. Someone makes an accusation of abuse, neglect, and isolation that may or may not have any merit. Then the person who is the relative in whose will or trust they are all hoping they will be well-thought-of becomes a ward. I do not have an issue with the language in subsection 1 and subsection 3, but in subsection 2, why was the decision made to use "an investigation or court proceeding" rather than maybe an adjudication of guilt or a finding of guilt? Certainly, when these things become contentious and relatives who formerly loved each other now are fighting over an estate, accusations can be thrown about that may not have merit. I am concerned that you might have Cousin Mary accusing Aunt Jane of something regarding the ward that does not have merit, and now the ward may

not be able to communicate with Aunt Jane even though they might want to, because of an accusation and fighting going on among relatives. Why was the decision made to have an investigation or court proceeding rather than some kind of adjudication or finding?

Justice Hardesty:

One of the things we should all be mindful of as we think about the importance of protecting the rights of the protected person—and what I have learned in this process—is that one of the most difficult jobs I have witnessed is the job of being a guardian. Imagine trying to handle the affairs of someone for whom you are now acting as the guardian and you have warring siblings making incredibly insane accusations against one another. The purpose of this is to recognize that sometimes those have merit, and subsection 2 is preceded by the word "unless"—the guardian allowed is prohibited from making restrictions "unless." I think it gives the guardian the ability to deal with these conflicting allegations. What we created in the bill was a mechanism to take the guardian out of that focus and send that issue to a court to review. Too often guardians were put in the position where they were the only one under existing statutes who could deal with this subject. If they found merit with one side and the other side lacked merit, it was viewed as being biased and favoring one side over the other and not making an independent assessment. We are trying to provide the guardian with the ability to deal with access when there are conflicting allegations as opposed to adjudication.

Many times these allegations never reach an adjudicatory process. Frankly, very few ever reach a criminal adjudication. If the Guardianship Commission had not called on the Office of the Attorney General to create an increased activity in criminal investigations, I do not know where we would be. The Commission voted unanimously to call upon the Attorney General and the district attorneys in this state to start doing criminal investigations. Prior to that time, law enforcement's reaction was, This is just a civil matter. Now you have these contentious disputes festering, and under existing law the guardian is the one who is trying to sort them out and make decisions with respect to it. Some of these issues have serious merit; some do not. The guardian assesses this based on his or her judgment, makes a decision to restrict, and then the issue goes to court and the court hears about it. First of all, many times the court has not heard about it, and second, then the court hears about it.

Assemblyman Ohrenschall:

Just to be clear, under this bill, any decision the guardian makes to restrict communication between the ward and someone who is under investigation or against whom there is a court proceeding would be subject to court review.

Justice Hardesty:

Absolutely. That is for the benefit of the actors who have the conflict, for the benefit of the protected person, and for the benefit of the guardian too.

Assemblyman Wheeler:

In section 33, I can see that we reduced a fee from \$72 to \$5 on an estate worth less than \$2,500. That makes sense to me, but I would like you to comment on it for the record.

In section 36, we are increasing the filing fee from \$1 to \$4 with an extra \$3 fee. I wonder what the reasoning for that is as a matter of policy for the bill and where that money would go.

Justice Hardesty:

With respect to the filing fee that you first referenced, that is a filing fee in the district court. One of the things that one of the many subcommittees that I appointed in the Guardianship Commission was a study of the filing fees that are being paid in district court with respect to the filing of guardianship proceedings. What our committee found is that the state was all over the map. You have districts charging certain fees under statutes and other districts not charging similar fees, so the cost of filing in the district court, a guardianship proceeding in Clark County would be different than the cost may be in three, four, or five other counties.

We also found that the majority of the guardianship proceedings that were being filed were indigent. Certainly, one could file a petition for waiver of those fees, but we also found that all of these fees should be eliminated in the guardianship context. Our view was that the fee should be significantly reduced, if not eliminated, and that is why it was set at \$5 for those limits. If it is under \$2,500 there is no fee at all.

The other fee is a fee that is charged on the recording fee. Whatever documents are recorded in Nevada, whether it be deeds, deeds of trust, or any number of documents that are recorded with the recording office, Nevada currently charges a flat fee of \$11. But that is a misnomer, because you have a lot of statutes that have increased that fee. We did a study of the recording fees of various states throughout the West Coast and the rest of the United States, and Nevada's fee is still markedly low, even with this change. The recording fee—we can provide you with that schedule, if you are interested—is really low compared to most states. We felt that this increase in the recording fee would be an appropriate source of funding for the legal fees. It either goes to a legal aid organization in the county that is providing guardianship services to represent protected persons, or it goes to a fund in the county administered by the judges to appoint lawyers to guardianship proceedings to represent protected persons only. If there are funds left over, those funds will be used to appoint lawyers in minor guardianships as well. For example, \$3 in Clark County—the largest county—produces about \$2.4 million. In Lyon County or Douglas County, it produces a meaningful sum, but we need to get legal aid services in there to help provide those services for protected persons who would be subject to them, or we need to give the judges the ability to appoint counsel, just as we would do in an indigent criminal defense case.

Assemblyman Wheeler:

If this fee goes up in section 36, it would not just raise the fee for filing a petition of guardianship, but also in other documents such as ". . . notice, deed, conveyance map, chart, survey . . . ;" that fee would be increased as well, and the money would go to the same program?

Justice Hardesty:

That fee only applies to those recorded documents. It would not be a fee charged by the district court.

Chairman Yeager:

Are there any other questions from Committee members? [There were none.] Is there anyone in Carson City or Las Vegas who would like to testify in support of S.B. 433 (R1)?

Barbara E. Buckley, Executive Director, Legal Aid Center of Southern Nevada:

I am pleased to be here today to support S.B. 433 (R1). I had the privilege of sitting in with the Guardianship Commission during much of its work and also to receive an emergency appropriation last year, requested by the Attorney General and supported unanimously by the Interim Finance Committee (IFC), to begin work on some of these cases. The cases we received support the need for the bill. I will give you two short examples and then show you how they relate to the bill.

The first one was a woman who was sent for emergency observation. There was some concern that there was some confusion. From that spot, she was sent to a group home. Her house was sold. All of her personal belongings were sold. Her beloved pictures, her rocking chair that her mother gave her—gone, no notice. She was put in a group home where she was to share a room with a stranger, and her family and friends were completely isolated. They had no idea where she was, no ability to talk to her. When they tried to speak to her by requesting that the guardian release the information, the guardian refused. The guardian acted like God, destroying this person's life. People deserve to age in place when they have saved their entire life, not to have it seen as a slush fund for the guardian, who then hires an attorney—at an outrageous amount per hour I might add—to fight against the neighbor or the relative who only wants to see their family member. This bill puts an end to that abuse. It focuses on reducing the isolation and establishing a court process. Assemblyman Ohrenschall asked about whether it is subject to review, and the good news is, yes. That is going to become the standard. It further focuses on moves. Before, the guardian, as soon as he was appointed—or even before he was appointed—was trying to sell the person's home. All of that will stop under this bill.

The last thing it does—and we mentioned this in IFC—is provide attorneys. The best way to stop guardianship abuse is a one-two punch. You need both civil representation of protected persons and criminal prosecution.

Let me tell you why you need civil legal aid representation. The court—since we received this emergency appropriation—will send us any cases that they see immediately, because we are not able to represent everyone. They sent us a case involving a woman who seemed confused in court. She was with her daughter. One of our attorneys went to go meet with the elderly person. We said, "Do you know what is happening right here in court?" She said, "No, I just thought by going to court it was supposed to make things easier." We said, "Do you know there is a guardianship against you?" She said, "No." We looked up her house; her house was transferred from herself to her daughter. We asked her, "Do you know

that you no longer own your house?" She said, "No." We gained access to her financial records—\$40,000 was gone. These are individuals who are not wealthy, but they have saved their entire life so they would not be a burden, to take care of themselves, and the money is just then seen as a slush fund for someone else who did not earn the money. So what we did in that case was we determined she did not need a guardian, we went to court, and we terminated the guardianship. We transferred the house through a court order from the daughter back to the mom.

The money in that case was gone, but that case, of course, can be reviewed for criminal prosecution. It is sad in some of these cases where it is a family relation. The protected person really does not want their child to go to prison. They know they did wrong, but they still love them. They are tough cases.

But this civil legal aid piece stops the bleeding. You are immediately able to get into the civil court, the guardianship court. The first case I described was a private professional guardian who had moved that elderly person and was charging unbelievable fees. One day, it appeared that they billed 25 hours in one day. The civil legal aid can address both cases. In that first case, for example, the civil legal aid side can stop the bleeding and then the criminal prosecution, along with the arrest of a private professional guardian who just wreaked havoc on so many families in Clark County. Hopefully, that not only served some justice for those families, but serves as a deterrent message for the rest of the guardians who people are watching now.

Chairman Yeager:

Are there any questions from Committee members? [There were none.]

James P. Conway, Executive Director, Washoe Legal Services:

I am the executive director of Washoe Legal Services, which is a nonprofit legal aid organization in Reno that currently represents hundreds of protected persons in adult guardianship cases, and with this funding we hope to represent hundreds or thousands more in the coming years.

To piggyback on Ms. Buckley's statements, I will give you one example of a case that I have personally been involved with in representing an individual. Approximately two years ago, I received a phone call from legal aid in Chicago telling me they had a gentleman sitting in their office who was apparently subject to a guardianship out of Carson City, and they were hoping to find an attorney to represent this individual. I appeared on his behalf in the Carson City case and represented the protected individual. Through the course of the proceeding, we found out that his son had obtained guardianship over him, sold his house, and bought him a one-way ticket to Chicago to live with the protected person's sister and withdrew all financial support from him at that time. To this day, I believe had that individual had an attorney at the beginning of the case, I do not think it would have ever happened. We became involved in this case approximately a year after it was filed, after his estate was already depleted, and after he was already relocated out of state without any notice

to anyone involved in the case. We believe it is very important work. I have personally represented over 100 individuals in adult guardianship cases. With this funding, we hope that Washoe Legal Services will represent many more individuals going forward.

Chairman Yeager:

Are there any questions from the Committee? [There were none.]

Catherine Falk, Founder, The Catherine Falk Organization:

My father was Peter Falk. He was Lieutenant Columbo on television, and I am here in support of S.B. 433 (R1). Senate Bill 433 (1st Reprint) is very special to me because it is our Right of Association legislation that has been sponsored and passed in seven states last year and we are in ten other states. Originally, I had given one of our bills to Assemblyman Sprinkle of Nevada, and he took it to the Commission. I then asked Senator Becky Harris to sponsor a stand-alone bill, and it was Senate Bill 158, which has now turned into S.B. 433 (R1) with Senator Cannizzaro.

I would like to focus my comments on section 5 of the bill, specifically regarding a protected person's right to associate, and section 12, regarding certain notifications. Currently, a guardian has complete and utter discretion over who can visit a protected person and who cannot. The protected person has no voice at all. Imagine how you would feel if you were told you could no longer see your children, your grandchildren, your best friend, or members of your church. Guardians, in fact, have absolute power over just about any decision related to a person under protection, and there is very little recourse if the guardian chooses to abuse all of that power. Section 5 of S.B. 433 (R1) puts simple checks and balances into the system to catch those guardians who are not doing their job and, as a result, are harming the very people they have been appointed to protect.

We feel if a guardian is restricting visits unfairly or without real reason other than personal animosity towards the family or simply for convenience's sake, the court should know about it by requiring real proof that isolation is absolutely necessary. The court should be an objective entity that evaluates a decision related to all quality of life. Requiring a guardian to get a court order to override the protected person's right to associate will also enable judges to quickly spot patterns of abuse. At the same time, we are fully cognizant and appreciate that guardians must ensure the protected person's safety, and in those cases where the protected person wants to visit with an individual who might be a potential threat to him or her, supervised visitation is available. Isolation of elderly wards and others by their guardians is the number one single complaint we hear at the Catherine Falk Organization (FALK) and the National Association to Stop Guardian Abuse (NASGA) and has also been highly documented in ongoing media coverage in your state and all over the country.

In many cases, we are told telephones are removed from the elder's room to prevent friends and family from calling. Elders are not allowed to receive personal letters and lose all rights to look at their own bank accounts, which are now in the hands of another person who has absolute control, and they are oftentimes complete strangers. We are asking for a tiny bit of accountability and transparency when it comes to the protected person's ability to socially

interact with friends and family. We believe isolation from loved ones is so traumatic it can break the spirit and threaten the direct health of those who are victimized by this horrendous form of elder abuse.

Section 12 deals with certain notices—another complaint that FALK and NASGA hears from members across this country and which has been documented in news reports specifically pertaining to the state of Nevada. Imagine being informed of your father's passing and upcoming funeral through the media like I was—and my sister too—or not finding out your loved one has passed away for many months afterwards. Imagine how it would feel to not be told your loved one was in crisis and was literally dying because the guardian purposely left you out and denied you the opportunity to comfort your loved one and say goodbye. Envision your parents dying alone and afraid and wondering where you are.

We have members who do not know where their loved ones are currently because the guardian moves them from facility to facility and will not divulge those locations. We have members who do not even know if their loved one is alive or has passed away. The FALK and NASGA team created an excellent standard of practice model code for guardians to follow. Although most guardians do their jobs efficiently and with a lot of heart, the fact is, not every guardian is a good guardian.

Building codes are put in place to protect the public from unscrupulous contractors. Imagine if no one was checking in to be sure building codes were being obeyed. This is the case with the National Guardianship Association code of ethics. The code is excellent, but no one is checking to see that the code is actually being enforced, nor is anyone being held accountable when it is not.

The nation has closely followed several publicized cases of guardianship abuse in your state and the recent indictments and looks to Nevada to lead the charge and the way to reform. We ask you to pass S.B. 433 (R1), and thank you very much for allowing me to testify today. [Submitted written testimony ([Exhibit D](#)).]

Karen Kelly, Public Guardian, Clark County:

Our office is in support of S.B. 433 (R1) with the addition of two amendments that I believe have been submitted to you pertaining to sections 5 and 29. These amendments were submitted with the Legal Aid Center of Southern Nevada and Washoe Legal Services, and the other one was from our office along with the Nevada Guardianship Association ([Exhibit E](#)), ([Exhibit F](#)), ([Exhibit G](#)), and ([Exhibit H](#)).

Kim Spoon, Co-Owner, Guardianship Services of Nevada, Reno, Nevada; and representing Nevada Guardianship Association:

I am the co-owner of a private guardian business in Reno for the past 19 years and was with the Washoe County Public Guardian's office before that for 6 years. I was also a member of the Guardianship Commission. I am here representing the Nevada Guardianship

Association, which is in favor of this bill. I appreciate the sponsors, Justice Hardesty, and others who have reviewed our amendments and agreed with those, because I think they were very important changes.

I would like to comment on the questions that were brought forth regarding section 12, subsection 5, in terms of notification if someone is in a facility. I am not sure if this pertains, but I wanted to make sure that you saw in section 12, subsection 3, paragraph (d), "Will be admitted to a medical facility for acute care or emergency care" and have to be notified. That is one of our amendments that we had removed. It would be impossible to notify people when they were going in for emergency care. That is being taken out and was approved by those who reviewed it. Also, in subsection 5—what we saw is if someone was actually being moved from their residence under an emergency situation, they would not have to notify until that was all taken care of.

Section 12, subsection 3, paragraph (c) says to notify all interested persons who "Will reside at a location other than his or her residence for more than 3 days." That seems a little cumbersome, but it is important to notify interested parties because if they go from a hospital to a rehab facility—which this would pertain to—even though they may only be there for a few days if they are evaluated and it does not fit the requirements so they go back home, for those who will be staying, they may be at that residence for six weeks up to three months, or even longer. We think it is imperative if they are going to be in a long-term rehabilitation situation, even though they are probably going back to their residence, it is very important that those who are interested in family do know where this person, who could be there for weeks or months, is going to be. We agreed with it and felt it was important. I do not know if that helps clarify that at all, but I wanted to make sure that although it seems a little cumbersome, we think it is going to be important to notify people.

Chairman Yeager:

Is there anyone else in support of S.B. 433 (R1)? [There was no one.] Is there any testimony in opposition to S.B. 433 (R1)? [There was no one.] Is there anyone who would like to testify in the neutral position on S.B. 433 (R1)? [There was no one.] I will invite Justice Hardesty and Senator Cannizzaro to come back to the table for any concluding remarks.

Justice Hardesty:

Thank you for hearing the bill. I am happy to answer any final questions. I appreciate Ms. Spoon's reminding me of the edit that was made that addresses your question, Assemblywoman Cohen. I had forgotten about that change when I commented earlier. Ms. Spoon kept me on my toes throughout the hearings in the Guardianship Commission, and she continues to do that today, and I appreciate her doing so.

Assemblyman Pickard:

You mentioned that the monies will be made available, and Ms. Buckley also mentioned that she received an appropriation. Are these funds going to be directed to a particular

organization in each county, or are we going to have an essentially official organization or funds available to others? I know in the rurals you said they would be appointed. What is the breadth of scope of who is going to be helping us out?

Justice Hardesty:

At the outset, it would be an arrangement worked out between the county commission and the legal aid organization in that district with the assistance of the district court judges. For many of you, you may know that the access to the Justice Commission, which is a commission of the Supreme Court co-chaired by Justice Douglas and myself, is evolving to a point where we are trying to avoid conflicts between legal aid organizations. Quite frankly, the civil legal needs of Nevada are so great you do not have to worry too much about conflicts. We are grateful to have all the help we can get. We have developed relationships between Nevada Legal Services and Washoe Legal Services in the rural counties, and that has been very successful. They have established contracts in those counties and are providing lawyers out there for other areas. We hope to expand that to include legal aid services and ultimately, if there are conflicts, the Commission would resolve them. We currently have in place a statewide plan that allocates resources and services between legal aid providers and counties, and people are following that plan as the Commission approved it.

Chairman Yeager:

I will formally close the hearing on S.B. 433 (R1). We will move to our second bill on the agenda, and I will open the hearing on Senate Bill 360 (1st Reprint).

Senate Bill 360 (1st Reprint): Revises provisions relating to the protection of older persons, vulnerable persons and persons in need of a guardian. (BDR 15-965)

Senator Nicole J. Cannizzaro, Senate District No. 6:

The impetus for this particular bill comes from a couple of places, but most notably for me, I represent Senate District No. 6, which includes Sun City Summerlin. Sun City Summerlin is a retirement community, and as I knocked on doors in that particular area of my district, I cannot tell you how many times that door was answered by someone who said, I am really concerned because I had a friend who was put into a guardianship position; or, I had a friend who was the victim of elder abuse; or, I am afraid that I am going to become the victim of elder abuse; or, I am afraid that if I am put into a guardianship, that I am going to waste away and I am never going to have any rights to see my family or friends or do anything that I love to do and I am going to die old and alone. That touched me in a very profound way.

I know that at the district attorney's office there is a significant hurdle in attempting to really take these crimes seriously and to make sure that we are answering those doors and talking to our constituents, that that is not a fear they live with every single day. For some of these individuals that I talked to at the doors, it was almost crippling the way in which they feared that this was going to happen to them and that no one would be there to fight for them and that no one would be there to take their needs into consideration. Through that, I requested

Senate Bill 360 (1st Reprint) to address some of the issues that currently exist within our criminal statutes in terms of addressing these types of crimes and assuring their proper penalties for individuals who commit elder abuse.

Secondly, I was not part of the Guardianship Commission, but was aware of the work that the Commission was doing, and certainly in correspondence with that, had looked at some of the recommendations and I think that one of the things that stood out to me the most was the guardianship wards' bill of rights. This is such an important provision. I know that Justice Hardesty had mentioned that as well, and I am sure will probably say something in that regard. That was such an important part and spoke to exactly what the people who live in Senate District No. 6 were talking about, along with so many people who live in all of our districts. Just by way of background, that is why I am sitting here today with you presenting S.B. 360 (R1).

This bill basically sets forth additional protections for those who are our most vulnerable, older persons and those who suffer from physical conditions, developmental disabilities, and other limitations that impact their ability to perform the normal activities of daily living. Why is S.B. 360 (R1) important? I think I alluded to some of those, at least from my own personal perspective, but also, there is no one who can argue that it is our responsibility as a society to protect those who are vulnerable and provide them with a sense of purpose, belonging, and hope. Nevada law encourages those who observe abuse, neglect, deprivation, isolation, and harm to a vulnerable person to report those wrongdoings to the appropriate law enforcement agency, public or private agency, or institution. The law extends immunity in that regard from civil and criminal liability to anyone who, in good faith, participates in making such a report, causes an investigation of an alleged report of abuse, exploitation or neglect, or submits information contained in a report to a board that licenses certain medical and long-term care facilities, medical professionals, psychologists, or mental health professionals and social workers. But the question before this Committee—and I know the Committee is familiar with this issue from other bills that have been before it—is how far should that immunity go? What about those individuals who actually participate in the abuse, neglect, or exploitation? Should those people also be granted civil and criminal immunity just because they reported it? Are abusers themselves attempting to "go around" the law by reporting such abuse just to avoid liability? Finally, are the penalties enough of a deterrent from such abuse and neglect? This bill attempts to address some of those important questions.

The rights of protected persons are also included in S.B. 360 (R1), and specifically those who are vulnerable and may fall into a guardianship situation or become a ward. One would think that we already have these rights in statute, but we do not, so this bill serves to fix that. What does S.B. 360 (R1) do? To start with, the bill revises the definitions of the terms "abuse" and "exploitation" to include additional acts which constitute an offense. These include actually permitting or allowing an older person or vulnerable person to be placed in a situation that constitutes abuse and, as it relates to exploitation, denying the person food, shelter, clothing, or services that are necessary to maintain the physical or mental health of the person.

I would note that this is not unfamiliar language for abuse statutes. This type of language is found in our child abuse statutes as well, so S.B. 360 (R1) is attempting to provide a penalty for individuals who fall into that category much like we do for child abuse.

As I mentioned earlier, this bill addresses the question of how far civil or criminal liability should go as it relates to the reporting of abuse, neglect, or exploitation. Senate Bill 360 (R1) provides such immunity does not extend to any person who abused, neglected, exploited, isolated, or abandoned the older person or vulnerable person who is the subject of the report or investigation; nor does it extend to any person who committed certain other acts relating to such abuse, neglect, exploitation, isolation, or abandonment. Part of the immunity statute that currently exists in Nevada law provides for immunity, even if you might be the person who is actually causing or participating in the abuse. Senate Bill 360 (R1) removes that immunity from criminal or civil liability if you are, in fact, someone who is participating in that abuse.

The bill further addresses the penalties associated with abuse, neglect, and exploitation of older and vulnerable persons. As you know, existing law imposes a category B felony for repeat offenders in some situations, which must be punished with a term of imprisonment in the state prison for a minimum term of two years and a maximum term of not more than six years for those violations causing substantial bodily harm, mental harm, or the death of the older or vulnerable person. For the second and any subsequent offenses, this bill increases the maximum term of imprisonment for the commission of such acts from 6 years to 20 years. Senate Bill 360 (R1) also revises the penalties for other offenses relating to the neglect or exploitation of an older or vulnerable person and provides that the commission of a second or subsequent offense is also punishable as a category B felony.

I know that when we are talking about when should we be engaging in criminal justice reform and when should we be talking about penalties, one of the things that stood out to me, at least in terms of the elder abuse statutes, was that there was not provided an additional penalty if someone were to be convicted of elder abuse or neglect and then again commit that same offense and be convicted of a second offense. Senate Bill 360 (R1) deals with it. It increases the penalty for instances where it causes substantial bodily harm or death to the older or vulnerable person.

I would also note for the Committee members that you received a proposed amendment ([Exhibit I](#)) to S.B. 360 (R1). I know this Committee is somewhat familiar with testimony from Assembly Bill 288, which was sponsored by Assemblywoman Joiner. She had some similar provisions. In her bill, she had allowed for a first offense for what we call a "wobbler offense" to be charged, which means that the judge can determine to sentence a person either as a gross misdemeanor or as a category C felony. This amendment seeks to add those provisions to S.B. 360 (R1) so they mirror one another in that regard. The meaning behind this one, certainly when I had spoken with Assemblywoman Joiner, was that some of these cases are quite serious in nature, even for a first offense. This would give the judge the

latitude to punish that individual under a category C felony and, likewise, for instances that are not as serious for a first offense, for a gross misdemeanor. That is what the amendment that you have before you today seeks to do.

Finally, I am pleased to say that if this bill is approved, Nevada will join the states of Minnesota and Texas in adopting a "Wards' Bill of Rights," which sets forth specific rights of wards. In S.B. 360 (R1), section 6, it lists out what those rights are. They include rights for visitation, rights to medical care, rights to have access to information about the actual guardianship, and basically solidifies in Nevada law that people who are in a guardianship do not lose every right to live their life. They still get to enjoy a lot of those aspects, and I think that is a very important piece, not only of this bill, but also of what I observed what the Guardianship Commission had done. With that, I will conclude my remarks.

James W. Hardesty, Associate Chief Justice, Supreme Court of Nevada:

I would just speak to the bill of rights section of the bill. As to that point, I think the remarks by Senator Cannizzaro cover it. As part of our countrywide canvas of best practices, we looked at Minnesota and Texas, and the Commission found the approach taken with the establishment of a bill of rights to be significant. We did one other thing in the bill which I think is critical to make the establishment of the bill of rights meaningful. In section 6, subsection 2, we specifically declare that the subject matter of the bill of rights can constitute a private right of action. As some of you may know, jurisprudence by the court has said that where you declare these matters, it does not necessarily create a private right of action unless the Legislature does so. I point that out for the Committee to be aware of.

Assemblyman Elliot T. Anderson:

I have a question about the interaction of the existing abuse definition along with your additions. I checked the rest of *Nevada Revised Statutes* Chapter 200 and I do not see "willful" defined. As I understand it in other contexts, we use it to mean intentionally and knowingly, requiring a knowledge element. Is that how you understand it here? Would that then require some sort of subjective understanding as to placing people in some of these bad situations that you would have to have some sort of knowledge, or you should have known that those factors were likely to occur, or is that more of an objective, sort of reasonable person standard?

Senator Cannizzaro:

You bring up an excellent point, and the very simple answer is, yes. This would still require that the person knowingly allowed or permitted that person to be placed in that situation knowing abuse or neglect was likely to occur. That is very similar to current litigation as we handle it in regards to child abuse as well.

Assemblyman Pickard:

I have two questions; the first has to do with section 1, subsection 2 when we talk about willful and then we talk about the deprivation of food, shelter, and clothing. This is under the definition of abuse. Then in section 1, subsection 3(c), we are talking about exploitation and we are mimicking exactly the same language. We had some testimony in prior bills about

the stacking of charges and blurring of lines. I am wondering if one of the ramifications of the bill might be to blur the line a little and allow prosecutors to charge both exploitation and abuse because we have identical language. Would you talk about the interplay between the two?

Senator Cannizzaro:

I think you bring up a very valid point whenever we are talking about criminal statutes. I think that in terms of whether we would charge abuse and exploitation, even if both the abuse and the exploitation were charged, if they are from the same act or occurrence, Nevada law would prohibit us from—let us say someone were convicted of both charges—punishing them on both. That would be my understanding of how the criminal law would read in that regard.

Secondly, I think this certainly is not intended to result in stacking of charges, and the penalty changes in the bill are similar between the abuse and neglect, and also the exploitation. Even from a practical standpoint, if you wanted to stack the charges, you are not going to get much more out of it. I do not think that we could, in theory, punish someone under both of those situations. I think there is probably room to debate whether or not you would need that in both. My intent in adding that language was to allow for instances where someone might also be taking some of that money and then also not, for example, paying for long-term care or paying for food and things like that. This would allow us to include that as part and parcel of the exploitation. That was my intent in adding the language. It certainly was not to include different charges to be brought. I know that when I had spoken with individuals, there were stories about people who had been given authority over money. That is where the exploitation statute comes from, over money and assets and, as a result of that, they were not providing proper care for someone. We wanted to include that in the exploitation definition.

Assemblyman Pickard:

My second question has to do with section 6 and the bill of rights. I think this is a great step forward. I really like the idea. Going back to S.B. 433 (R1), one of the points that was made was that the person of natural affection is an important person in the life of the ward, and we do not mention them here—I am wondering if you would be amenable to adding them to paragraph (d) so that we include them and make the two bills consistent.

Senator Cannizzaro:

You bring up a point that I had neglected to mention during my testimony. There was a proposed amendment that you should have that does, in fact, include a person of natural affection ([Exhibit J](#)) and advocate for the protected person, or a medical provider in section 1, paragraph (d). That was something which was already brought to our attention and we are very amenable to that. I think that is an excellent amendment in light of everything we have heard today.

Assemblyman Pickard:

I appreciate that. I was looking at the amendment, and it does not say a "person of natural affection." It just says an "interested party." I am wondering if we could clarify that?

Senator Cannizzaro:

Yes, and I apologize. The amendment that I provided did not include that. The amendment I provided that you have before you on hard copy today deals strictly with the criminal portions of the bill ([Exhibit I](#)). There was another amendment that I believe should be uploaded to NELIS. It is a one-page document, and it includes language that says a person of natural affection ([Exhibit J](#)).

Assemblywoman Cohen:

I have a question about section 3 with the charging provision. Would you explain how that works? If you have a protected person who is in a bad situation and they are being denied access to family members and are being abused physically, emotionally, and financially, how does that work with charges? Every day is a new charge. There are several incidents a day that could be charged. How is that going to work?

Senator Cannizzaro:

Typically, when I have seen these types of cases charged, if there is a specific incident, it will be charged just to that specific incident. Certainly, if there are multiple incidents that are occurring and isolated, for example, if someone is beaten and that is a particular incident and a particular day, then that will be charged, if it meets the elements of the crime. If we are talking about a course of conduct where over time someone is being emotionally abused or where someone is being denied adequate services or medical treatment, food, or shelter, that would be charged as a course of conduct, so typically you would see in a charging document where it would say, "From September 1, 2015 through September 30, 2015." Then it would be that particular time frame where you have to meet the elements of that charge for it to be a single charge.

Chairman Yeager:

Are there any further questions from the Committee members?

Assemblywoman Cohen:

In section 6, subsection 1, paragraph (d), with the reference to the family members, interested parties, or medical providers raising issues, would you be willing to have those family members, interested parties, or medical providers provide affidavits or be sworn in? The reason I am asking is because I am a little concerned. Sometimes you have conflicting positions between family members, and I think it is important that people understand when they are making these claims that it is very serious. When you get the affidavits or the sworn statements in court, it makes some people realize, This is a big deal; I cannot just throw out allegations; and they realize that there has to be something behind it.

Justice Hardesty:

I am concerned about the requirement of an affidavit as an impediment to the presentation of legitimate concerns. I recognize that there can be complaints lodged which are ill-founded but, quite frankly, what we are concerned about is creating a vehicle where that information can be readily submitted. I would think interposing an affidavit requirement at the outset would be a problem and an impediment to the free flow of that information. Ultimately, this is going to be the subject of sworn testimony, so it may be that these allegations are later found to be frivolous or false. I think at the outset you want to try to create a free flow of information so that it can be provided. If it is required to be submitted in an affidavit, I would think that that would impede the flow of information that is needed and which the protected person would want to have presented.

Chairman Yeager:

Are there any further questions? [There were none.] Is there anyone in Las Vegas who would like to testify in support? [There was no one.] Is there anyone in Carson City who would like to testify in support?

Barbara E. Buckley, Executive Director, Legal Aid Center of Southern Nevada:

I was pleased to author the bill of rights and present it to the Guardianship Commission. The version that you have before you—when we started it looked a little bit more like Texas and ended up a little bit more like Minnesota. Then we also canvassed the existing Nevada bills of rights. We have one for kids in foster care, we have one for kids in mental health facilities, so we ended up with a blend. The testimony that you have heard shows why it is so much needed, and we urge your support.

With regard to Assemblywoman Cohen's comments, I would add that often the judges will swear in all the witnesses. It really depends on what is being brought before them. If it is a minor concern where someone just says, "Hey, there is a question about this communication," it may not be necessary, but whenever there are competing claims and something that is a little ugly, the judges will routinely ask everyone to raise their right hand before testifying. With that, I urge your support of S.B. 360 (R1).

James P. Conway, Executive Director, Washoe Legal Services:

I wanted to voice my support for S.B. 360 (R1). A quick note on the bill of rights portion: I think it is important for us to remember that many of the guardians who are appointed in a guardianship case are family members who are not sophisticated in legal proceedings. I think reducing each of these statutory rights which exist elsewhere, probably in other areas of NRS Chapter 159, to a list will be very beneficial for those individuals in specifically articulating what their role is as a guardian, because most of them are not private professional guardians.

Assemblywoman Tolles:

This is a personal disclosure and very timely. We are talking about moving my in-laws from out of state and dealing with dementia issues. I have to say I am looking at this, and it is extremely relevant and extremely informative. As you were speaking, I was thinking that

I am going to take this home to my husband and we are going to look through it as part of our decision making about making sure we are doing this wisely. I wanted to say thank you for bringing this bill forward. I think these are extremely practical and important protections.

Chairman Yeager:

Are there any other questions or comments from Committee members? [There were none.]

Catherine Falk, Founder, The Catherine Falk Organization:

I am here in support of S.B. 360 (R1). Many years ago, I watched my father help New York State prosecutors bring my grandmother's caretaker to justice. She had many millions of dollars that were literally stolen from her, and she was psychologically and emotionally abused. My father championed with the prosecutor, and that person was convicted many years ago. My father also did a public service announcement on financial exploitation as well, so I am very proud of what my father had accomplished when he was alive.

My organization has joined forces with one of the largest national advocacy groups in the country, the National Association to Stop Guardian Abuse. Our mutual goal is to pass meaningful legislation to protect guardians—or actually protected persons, as it is stated in Nevada—from wrongful isolation by unscrupulous court-appointed guardians as a means of retaliation, control, or sometimes simply out of just pure convenience. We all know the value of socialization for ourselves: how much we love our families, and we would be lost without our good friends and all of our neighbors. Most people are tied to their community and their church and cannot even imagine life without either one of them. With the elderly, the comfort of family and friends is absolutely essential to their well-being, and socialization has a direct positive effect on their personal health.

In abusive guardianships, bad guardians not only isolate the very people they are court-appointed to protect, but all too often they take it a nefarious step further by telling wards that their family does not love them and that the family has "run off with all your money." This devastating news soon wanes their spirit and their health follows behind. Many die prematurely, alone and very afraid.

As we age, family and friends become more important to us. We look forward to family get-togethers and visits from friends. To the elderly—especially those who live in nursing facilities—opportunities to be in the company of ones' family and friends and just people in general are often the highlight of their day.

We especially appreciate S.B. 360 (R1) because it recognizes this type of isolation for what it is: it is an absolute crime. It removes protection in the form of immunity for guardians who commit this crime and currently suffer absolutely no consequences.

Senate Bill 360 (R1) will deter this type of criminal activity by unscrupulous guardians and better protect the growing elder population in your state of Nevada. Our organization currently has sponsorship in the state of California making isolation a crime and classifying

all guardians as caretakers—and we have passed through the Senate last week. Nevada's S.B. 360 (R1) thus far is the most comprehensive bill in this country and I hope you pass it. [Submitted written testimony ([Exhibit K](#)).]

**Jennifer Noble, Deputy District Attorney, Washoe County District Attorney's Office;
and representing Nevada District Attorneys Association:**

We are in support of this bill, and we would like to thank Senator Cannizzaro for her efforts to ensure greater protections for older and vulnerable Nevadans.

Chairman Yeager:

Is there anyone else in support of S.B. 360 (R1)? [There was no one.] Is there anyone opposed to S.B. 360 (R1)? [There was no one.] Is there anyone who would like to testify in the neutral position on the bill? [There was no one.]

Senator Cannizzaro:

Thank you and the members of the Committee for being so diligent in reviewing this bill and taking it into consideration and allowing us to present today. I think this is an extremely important bill that is putting us a step in the right direction. Certainly for the people who I have talked with in Senate District No. 6, this is a very important piece of legislation.

Justice Hardesty:

I would like to join the Senator in thanking you for hearing the bill.

Chairman Yeager:

Thank you for being here this morning and presenting the bill. I will close the hearing on S.B. 360 (R1). That brings us to our third and final bill on the agenda today. I will open the hearing on Senate Bill 305 (1st Reprint).

Senate Bill 305 (1st Reprint): Revises provisions regarding certain proceedings concerning children. (BDR 38-926)

Senator Julia Ratti, Senate District No. 13:

I am extremely pleased to be bringing you Senate Bill 305 (1st Reprint), which is a right to counsel for children in the foster care system. We know that best practices, recent case law, and new guidelines from the United States Department of Health and Human Services agree that children have a constitutional due process right to counsel in foster care cases. Currently, only some children in Nevada in the foster care system are being appointed counsel, and they are subject to the judge's discretion and available resources. Today, over 85 percent of the children in Clark County and 50 percent of the children in Washoe County are receiving representation. Throughout our rural counties, it is a bit more hit and miss. The Washoe Legal Services is contracted to represent children in Lyon, Elko, Humboldt, and Pershing Counties. This bill will require that all children have an attorney in *Nevada Revised Statutes* (NRS) Chapter 432B foster care cases and in any related NRS Chapter 128

termination of parental rights. These attorneys give children a voice and an advocate to help them navigate one of the hardest and most confusing times in their lives, creating better outcomes for children.

These changes bring Nevada in line with best practices and national norms. This is an area where we are lagging. Thirty states have a solidified right to counsel for children. Thirteen states have a qualified right, and only seven states, including Nevada, have a discretionary appointment of counsel for children. This is what is important. You can think about this bill as about whether or not there is an attorney in the room, but I prefer to think about it in terms of what difference does it actually make. What we know is that when children's voices are heard in court, we protect children from unnecessary removals from their homes, we help children succeed in school, we ensure children have access to medical and dental care, we monitor the appropriate use of psychotropic medication—which is something you have heard a lot about this session—and we ensure that children who have to testify in court are protected. We are prepared to share examples of this, and we are going to introduce you to a couple of young people who will share their stories.

Current law authorizes but does not require the appointment of an attorney for a child who is the subject of an NRS Chapter 432B dependency case and a related NRS Chapter 128 termination of parental rights case. This bill requires that every child in the child welfare system be appointed an attorney. It also clarifies that the attorney representing the child cannot be the guardian ad litem as well, due to conflict of interest. I know that some of you are very familiar with guardians ad litem. They can still have a guardian ad litem, and that guardian ad litem can still be an attorney. All this bill says is that the same attorney cannot be both official counsel and the guardian ad litem. Again, we need to strive to give foster care children the best life possible, look after their well-being, and protect them.

I was watching your hearing intently this morning, and I think in situations where the state takes care and custody of vulnerable individuals, this is one of the places where we, in government, play our most important role. This is another example of it. These children are dependent on us to make sure they are protected and that their needs are met. We know that an attorney serves the best interest of that child. We recognize that this is an additional cost to local governments, so the bill also includes enabling language which allows county commissions to increase the recording fee. There is a recording fee in place specifically for this today. It is currently not more than \$3. This raises it to not more than \$6, so the counties can have the resources they need to fund this important work.

I am more than thrilled to be joined today by Barbara Buckley, who is certainly the subject matter expert in this area, so I would like to turn it over to her for her remarks.

Barbara E. Buckley, Executive Director, Legal Aid Center of Southern Nevada:

In 1999, I received a phone call from Clark County saying that we are the last major metropolitan area in the nation that does not offer any independent legal services for kids in foster care. The parents who are accused of abuse have a lawyer. Government has a lawyer, but the kids have no one. Would you consider opening up a project to represent these kids?

We said yes. We were thrilled to hire someone who had been doing this work in another state for a decade, and he helped us set up the foundation of the project. We have now been representing kids for 17 years, and we have learned a lot.

The first thing we learned is that government is a terrible parent. Kids should not be raised by committees. If the parents have redeemed themselves and corrected the abuse, you want to make sure that the kids get back there. If there are other relatives—grandparents, aunts, uncles—that the kids have a bond with, you want them to go there. If there is no one and the abuse is serious and the parents do not work a case plan, you want them adopted. You do not want kids raised in the system, because even with the best-meaning people—and there are a number of them—it is not normal for a kid. It is not good for a kid. I am so pleased today to see S.B. 305 (R1) come forward, because the person who makes that difference for the child, who can push, who can put things on the court's agenda, is an attorney.

We now have 20 attorneys at the Legal Aid Center of Southern Nevada representing abused and neglected children, and we have almost 400 pro bono attorneys who are representing these kids. Together, we represent 3,000 kids in Clark County. Still, we are not able to represent 100 percent because we do not have that funding. We were so pleased that Clark and Washoe Counties have asked for this enabling legislation, because they believe they will get them to 100 percent in Clark County, 100 percent in Washoe County, and also supply the rurals with the flexibility to get to 100 percent in the rurals. In Clark County, most likely the fee will only be raised \$1 because we have more filings. The rurals and Washoe County wanted that flexibility because they have fewer filings, and they are very appreciative of that flexibility.

We have a couple of young people here, so I do not want to give examples of how lawyers make a difference, because I felt it would be more effective to hear it from them. I am happy to introduce them or answer questions.

Chairman Yeager:

We will have the people who are here testify and share their stories, and we will hold off on questions until we hear from our other speakers.

Mekhi Overton, Private Citizen, Las Vegas, Nevada:

I was put into foster care originally when I was 15 years old due to a lot of alcohol problems with my mother. She and her boyfriend would get really violent when they would drink a lot, and they would get into fights. They would take their anger out on me and my brother, and things were just overall not really good in our household. My mom eventually kicked me out of the house, and I had to go to my grandmother's house to find help and call Child Protective Services (CPS). It was really difficult, especially having my younger brother with me the entire time. Even during that time, I really did not know what I was going to do.

I was eventually given a caseworker who I thought was there for me and was going to help me through a lot of these hard times that I was going through, but it seemed like that support was not there for me. I was given the bare necessities. I was given a place to sleep and I was given food, but it was not really anything of what I actually wanted. These were the things that the people around me thought I needed or thought that was best for me, but my own opinions and what I thought really was not taken into consideration with me being only probably 13 or 14 years old at the time.

Having a lawyer was one of the best things that ever changed my life. Before Janice, who is my current lawyer, came into my life, I had jumped between at least 12 different foster homes. I never had an opportunity to really get to know any of my foster parents or any of the foster kids that I stayed with. I never stayed in the same schools. There was just no real concrete place for me to stand. Things were pretty hard for me when I had that caseworker. Even with my standing of being an LGBT (lesbian, gay, bisexual, and transgender) youth, I felt like he did not appreciate that, and it showed in our relationship. A lot of our personal problems were taken into that relationship, and it was not healthy.

I was a short while from aging out. I went into foster care around 15 years old, and over the course of all these years I am close to aging out and I felt like I was not any closer to actually coming towards a goal than when I first entered this program. Now that you have me aging out and no real goals or options, I am worried that I might become homeless or that I might never really have an actual future.

A lawyer was presented and brought into my life and immediately she worked to have that caseworker changed. I was reunited back with my grandmother almost immediately. I got back to school, and things were just going so much better for me ever since I had that support for me in my life.

I was able to speak for myself in court. It was not my parent or my caseworker standing there telling them what I wanted. I was able to do that on my own because I had someone there for me. Even if not, Janice provided that voice for me in court when I did not have anyone to do that for me. Now, after all those years of going through that, I have a job, I am going back to school, and I just think about how that possibly could have never come to pass had it not been for the lawyer who came into my life.

I think that lawyers can prove to be a really good impact on the child's life and being that voice that they have in court and being a strong form of support, not just in court but in their lives. I think that lawyers can be really helpful for all the kids who are out there. I do not think that any kid should have to feel afraid or feel nervous or feel lost when they cannot look to people that they looked to for support before. I think this would be a step in the right direction and make sure that for a lot of children things can go a lot better.

Stephanie Mahler, Private Citizen, Las Vegas, Nevada:

Since I was really young, I watched my mom being abused by my stepdad. Both my mom and stepdad used drugs, and there was a lot of violence between them. Once, when I was five years old, they were fighting on the stairs and I tried to stop him from hitting her. He tripped me and I fell down the stairs. This was the first time that CPS entered my life. They did an investigation, but I was not removed from the home. My mom and stepdad later broke up, and my mom got a new boyfriend who was even more abusive to us both. He was violent all the time. They were both using drugs every day. Eventually, they both lost their jobs, and we ended up living in a weekly motel. I was really scared at first, but after a while I just got used to living that way.

When I was six years old, my mom left me with a stranger all day. Finally, after midnight, she called and asked my grandmother to go pick me up, but she could not remember where the person lived and she did not have her phone number. My grandmother was very scared for me. She went and drove around the neighborhood where my mom had dropped me off, and she finally found me walking along the street with the person I had been dropped off with. She was desperate to keep me safe and wanted to take me home with her, but first she had to start the process. She went to the police and reported what had happened, and they called CPS. Legally, my mother still had custody, so I had to go back to her. This got CPS to open another investigation into how my mom was treating me. My grandmother took classes to become my guardian, and I was placed with her from when I was six until I was nine years old. I felt really safe with my grandmother. For once, I got to sleep in a bed instead of a couch pushed up against the motel room door. But at the same time, I had gotten so used to the constant violence and chaos, I could never really relax and believe that this was the life that I should have been living all along.

During this time, my mom completed rehab and came to live with me and my grandmother. I had two different caseworkers with the Clark County Department of Family Services, and they decided that my mom had qualified to take custody of me again. No one told me about this change or asked me what I wanted. Just one day, my mother started making decisions for me again. She met another boyfriend and they got married. I was forced to move away from my grandmother and live with my mom and new stepdad. They were both openly using drugs. My mom got pregnant with twins, a boy and a girl, and my stepdad was very abusive to all of us. The babies were bruised pretty much all the time, so someone finally called and reported it to CPS. A case was opened for me and my brother and sister.

This time, I was able to go back to my grandmother and I finally got a lawyer of my own through Legal Aid. My lawyer's name is Denise. It was weird to be around my lawyer at first because I had never had anyone who could stand up for me in court, be my voice, and fight for my rights. I thought she would be like any other caseworker who said they cared but really did not. I went to court with Denise on my fourteenth birthday, and I fully expected that they would send me back to my mom and this whole mess would repeat once

again. But Denise was like a total savior and a warrior for me. She fought for what I wanted, which was to stay with my grandma for good. I was so surprised when the court agreed and my wish came true. It was the best birthday present I could ever hope for. It was a gift that will stay with me forever.

I am out of care now. My grandmother has legal guardianship over me and I am very happy living with her. I was accepted into Advanced Technologies Academy where I am majoring in graphic design. I want to study other languages and become an interpreter, especially sign language for the deaf.

We want to thank the Committee and everyone for supporting S.B. 305 (R1).

Chairman Yeager:

Thank you for being here this morning and for your testimony. Are there any questions or comments from the Committee members?

Assemblywoman Tolles:

Thank you both for being so brave and for sharing your story and using that to help other kids just like you. It takes a lot of courage to do that and to advocate at such a young age and so articulately and to be able to make an influence on state policy for kids across the state of Nevada. Well done.

Assemblyman Ohrenschall:

Thank you for sharing the road that you had to walk through. I have personally seen some of these children's attorneys when I had a child in delinquency court. I have seen the staff attorneys, the pro bono attorneys, and the tremendous work they have done. Assembly Bill 350 of the 76th Session—Speaker Barbara Buckley's legacy—I have seen this help so many children who were about to age out of the foster care system and help them land on their feet as young adults: Truly, a tremendous accomplishment in terms of the children it is helping. My question is about the language in section 4 about the appointment of an attorney for the child on termination of parental rights (TPR) proceedings. I do not practice in that area. What is currently happening and how will this differ if this is passed into law in terms of appointment of an attorney for a child while those restoration proceedings are going forward?

Barbara Buckley:

If this bill passes, every child will obtain an attorney from the beginning of their case and through TPR, if a TPR case is also filed. As you heard so eloquently from Stephanie, the really sad part of our work is that only a portion of the children get a lawyer, so the first few times she was brought into the system, she was not one of the lucky ones. When she did get an attorney, the case complexion completely changed because she had someone speaking out for her. If this bill is passed, we will go from where we are now to every child in both

proceedings. There are two types of dependency actions: there is the case when you are working the plan and trying to see where the child will go; then finally when a termination is filed, that is filed under NRS Chapter 128. Both sections are referenced in the bill, and the representation applies to both proceedings.

Assemblyman Ohrenschall:

Now from it only being the lucky children who get an attorney, every child will have their own attorney, whether it is an abuse-neglect proceeding, a termination of parental rights proceeding, or a restoration of parental rights proceeding.

Barbara Buckley:

Yes. The child will have that legal right, and we will join those 41 other states who declare it as their public policy.

Assemblyman Thompson:

Share with us who the other adult supporters were when you first went into the system. I know there are many people trying to make this decision for you. Who are the ones who really helped you? You do not have to say names, just titles or roles. Was it always pretty much the Children's Attorneys Project (CAP) attorney that you geared towards, or were there others?

Stephanie Mahler:

The people who supported me for the times that I was in CPS were my attorney as well as my grandmother. Since my mom cut me off during these times from most people in my family, it was hard to have anyone else that could support us or find something that could help us out.

Mekhi Overton:

I had my family most of the time, but even that was a touchy matter. They would believe that what they were doing was helpful and beneficial for me, when I may not have necessarily believed that what they were doing was good. They called themselves as being a pillar of support for me, but sometimes our views or ideals would clash. Because of their position and where they were, it would usually overlap mine because of what they thought was better. I mainly had my great-grandmother and great-aunt who were there for me during that time.

Assemblyman Thompson:

As Vice Chairman Ohrenschall was alluding to, there is a program called the Step Up Program that will be amazing for you as you exit out. We want you to be successful. Our colleagues, some are still here who were there when all this was set up and those of us who are here now, we are glad that that law continues to make a big difference for people like you. Please make sure that you take advantage of it, because it is a great program.

Barbara Buckley:

I would like to offer my perspective on the supports we see for kids. Some kids get amazing caseworkers, and it makes our job a lot easier. We meet the child where they live in their environment, we make sure they know that what they tell us is confidential. We are their lawyer, so we empower them and build that relationship. Sometimes we will hear things that the caseworker will never hear, and that is a good thing. We are so honest with the children because we find them incredibly smart. If a child says to us, "I want to go back to mom, and mom is on methamphetamine," we say, "Well, great, we will let the judge know that, and hopefully she is working her case plan and can get off the drugs. If she does not, the judge is never going to let you go back to her. Hey, what is your plan B, by the way?" That honesty is so appreciated by the kids. People try to shield them. They know what is going on. They live the life more than anyone.

Sometimes the caseworkers are great, and sometimes they are brand new; or a child has been given eight caseworkers, and they do not even know the child. Children get court-appointed special advocates (CASA) in about a quarter of the cases in Clark County, and in some of the rural counties it is 100 percent. The CASAs represent the best interest. They are the guardian ad litem. We find in the overwhelming majority of the cases that when kids get CASA, it adds value. It is a good program. We support it as our guardian ad litem (GAL) program in the state of Nevada.

The Assembly Bill 350 of the 76th Session program is terrific, and now that it is being run by social services and Randy Reinoso in Clark County, we see a complete shift and a move towards mentoring—which I know you are involved with—so we will stay on the case with the child from 18 to 21 years old. There was a period of time where there were moves to kick a lot of the kids off if they were not succeeding. We took the opposite view. We felt that when kids were not succeeding, that is when they needed to stay on so we could reel them back in. The supports are so case specific, and that is why we feel the need for this voice is so important.

Assemblyman Watkins:

We have had a number of hearings this session, and your testimony might be perhaps the most memorable to me. Speaker Buckley, I did not see anything in the bill or in the black letter law to address what happens if the child refuses the attorney or wishes to waive that right. At which point would we allow the waiver? Before or after consultation? Do we just allow waiver or do we not allow a waiver at all? I think you may be aware that we are dealing with this on another bill in the criminal context about whether or not a child can actually waive the right to counsel and at which time.

Barbara Buckley:

In my 17 years of running this program, I have never once had a child say they did not want a lawyer. We explain it by saying, We will let the judge know what you want. Right away, the child sees the value. We have never had that happen. I would say that maybe twice in 17 years we received a call that the child did not like the lawyer very much. They just did not click. It happens. So we replaced the lawyer with someone they felt more comfortable

with, and then when they had the new lawyer they were thrilled. In terms of waiving that right, we are there to make things happen, to put the case on calendar if the kid wants to go home, or when a child is receiving too much psychotropic medication, we will put it on calendar to order a second opinion to have the medications reduced. They are just not the type of things where a kid says, I do not want this.

Assemblyman Watkins:

I certainly agree with that 100 percent. I am just trying to find even further protections. I could foresee a situation in which we have some influencers who are part of the problem who are attempting to make a waiver for the child that we do not want to allow and remove that discretion from the court or that person. Maybe a waiver could only happen after an initial consultation with the attorney or something to that effect.

Barbara Buckley:

I would hate to even go down that road because it is not a problem. Right now, when a child is brought into care, the court appoints our office to represent that child. We will decide if we will handle it in-house or if we will send it to a pro bono lawyer. We have a very robust pro bono program, which the county appreciates because then they pay a little bit less. Why we love it is because community members and lawyers see what is going on in dependency court. Otherwise they would never get down there. The court appoints the lawyer, and the child does not waive it. The court appoints; the child does not. They appoint day one. If there was a waiver process, I would worry that the parents' attorneys would try to get us off the cases, quite frankly.

Assemblyman Pickard:

I will echo what everyone else has said. You two really bring a sense of meaning to the bill. It is for you that this bill is written. Speaker Buckley, would you explain to us the difference between a CASA and the guardian ad litem—sometimes they are different—versus a CAP attorney versus what you are proposing. Would you explain why we have these different people in their different places, what function they have, and how this really serves to improve upon that system?

Barbara Buckley:

The CAP attorney—or what this bill provides—is really a client-directed attorney, an attorney who follows the rules of ethics in terms of confidentiality and to represent what that child wants, as well as the lawyer being a counselor. If a young adult is saying, Hey, I would really like this, and we know that is not going to happen, as I mentioned before, we are very much a counselor. A guardian ad litem, by contrast, reports to the court what is in the best interest. They do not maintain an attorney-client relationship. That is not their role. So the CASA program, which acts as the guardian ad litem, for example, when they are appointed, they may meet the child, or they may interview everyone involved with the child. When they do their report for the court, they will say what they found and, if the issue is placement, what they recommend they think is in the best interest of the child for that placement. Some will also take a big brother/big sister role. For example, if that child has siblings and there is no one to drive them to that event, some will play that role as well. It is very different from

offering a court report and indicating what you think is in the best interest, and being an attorney. The attorney can file motions. They are negotiating with their peers as lawyers to make things happen. They are engaging in stipulations. All of those things that the volunteer GALs are not doing.

In rare cases, and certainly in some other types of cases, the court may ask for an attorney GAL. Let us say there is a decision before the court to pull the plug on someone who is dying. The court wants to know if they should pull the plug or not because there are no family members. An attorney can play that role. But the American Bar Association and the National Association of Counsel for Children all acknowledge and recommend that you have a client-directed role in children's cases, and that is what we have adopted statewide. That is so we can have that attorney-client relationship that a GAL cannot have. The GAL can be subpoenaed. They can report on every privileged conversation because there is no privilege. That is the major difference, and that is why we adopted that model.

Assemblyman Pickard:

That is exactly what I wanted the Committee to hear, and having participated in some of these cases, I understand it. Currently, we cover a lot of this with the CAP attorney program. They are the attorneys who work pro bono in order to represent the child's desires in addition to their interests. Would you explain how this bill expands the CAP attorney program, what the current CAP program does, and then what this expansion will do?

Barbara Buckley:

This funding will expand the CAP program to include the 15 percent of kids who do not have a voice. It does not create a new program. It funds the existing CAP program, which is the Children's Attorneys Project. There are amazing attorneys, like Denise and Janice, coupled with pro bono attorneys in the community. This will fund that program and allow us to not turn any child away.

Assemblyman Wheeler:

Forgive me if from being up north I am not familiar with the structure in Clark County, and thank you for bringing two very articulate young people to the table today. In Clark County, in the current way that things are set up, are there other firms besides yours who supply attorneys to these people? Would those firms also benefit monetarily from this?

Barbara Buckley:

There are about 350 attorneys in addition to our office representing these kids, but they do it all for free. That portion of the program is going to continue. We have pledged to the county that we will at least have a quarter of these kids represented by pro bono attorneys. We have about 800 kids represented by pro bono attorneys. These are some of the best attorneys in the city who have said, We are going to represent these kids for free so they have a voice. It is an amazing thing to see. James Conway from Washoe Legal Services runs a similar program in Washoe County, and this will be adding a pro bono component. He has also set up a program along the I-80 corridor and will be working with the rural counties. Some of them do not have a legal aid presence; there just is not enough money to run a program.

Some of those counties will pay the attorneys that live there. We imagine that that will similarly occur. James Conway and I will certainly reach out to the rural judges to offer our materials and our training, but in some of those communities, it is going to continue to be private lawyers.

Assemblyman Elliot T. Anderson:

I want to add how important I think it is. Most people here do not have the experiences you have, so without you being here, there is really no way we could ever really understand what is happening. In addition to just being compelling and we like listening to you, it was really useful information.

I want to talk about quality, since we are going to be expanding the pool of attorneys. At the Legal Aid Center of Southern Nevada, you have vigorous training programs for your in-house attorneys, and you also have a very vigorous training program for people who are not familiar with these types of cases. I read in the bill that an attorney is to be appointed like the criminal defense conflict attorneys are now under NRS Chapter 7. As I recall under NRS Chapter 7, the county has a panel to accept advocates. Will there be sufficient training to ensure that we get people who do justice like your pro bono attorneys do after getting vigorous training from your in-house people? I just want to ensure that these kids are really getting quality representation. Have you thought of how that could be accomplished?

Barbara Buckley:

The funding will not flow to the county to set up an attorney panel. Instead, the money in Clark County and Washoe County—and if it exists in the rurals—will go to the Legal Aid Center of Southern Nevada entity where we will utilize staff attorneys and volunteer attorneys. The training that we offer is extremely rigorous. Two of our attorneys are certified by the National Association of Counsel for Children. In addition, any attorney and pro bono attorney has to take a Continuing Legal Education (CLE) before they take a case. The CLE is taught by Judge Sullivan and one of our attorneys. Each private pro bono attorney is assigned a mentor, who is one of our staff attorneys. Every month, we have a free CLE on a different topic for our staff attorneys and our pro bono attorneys, and then our staff attorneys are in court when the pro bono attorneys are there. We have set up a culture where if the attorney is wonderful, we tell them they are wonderful. If they are a little bit like a fish out of water—you have some great civil litigators who have never been to family court and they are saying, Wow, it is really informal down here, and we will be able to guide them in that regard; that system of training and assignment will continue.

Assemblyman Elliot T. Anderson:

I have seen some of the most respected and big law partners who are out doing these cases. These attorneys normally bill \$500, \$600, \$700 an hour, and they are doing this for free. I think it should go on the record to make it clear—the quality of the people who are coming in and donating their time. This is a really exceptional program to the extent that we can get more people involved with it. It is a really great thing.

Chairman Yeager:

I have a question that came from Assemblywoman Cohen, who had to leave a little early. She wanted me to ask whether this applied to children of all ages, and I think her concern was perhaps if we have infants who might be subject to this, they may not be in a position where they can express to the attorney what their wishes may be.

Barbara Buckley:

This bill applies to every child, no matter how old. From day one to age 21, the children are receiving an attorney if they are in the foster care system. Fortunately, the American Bar Association (ABA) Center on Children and the Law spent years figuring out how an attorney represents a preverbal or a nonverbal child, let us say a child with severe autism who is eight who cannot communicate with you. What they have concluded is we follow the rules of ethics with regard to trying the best we can to establish that relationship, and then otherwise you represent their legal interest and their constitutional rights. A one-year-old child has a legal right to not be in foster care when certain conditions exist. A two-year-old who cannot communicate with you has the right not to be put on Risperdal, for example. So what our attorneys and our pro bono lawyers do is we represent their legal rights. It is sometimes called a substituted judgment model, but the easiest way to think of it is you do not lose your legal rights and constitutional rights even if you cannot communicate what they are.

There is a phenomenal article written by the ABA which describes how a lawyer represented a preverbal child: making sure that the court understood that the parent gets drug treatment before getting the kids back, making sure there was a timeline; making sure the court and the county did all the steps they needed to do. But in the end, if it was not going to happen, making sure adoption happened quicker. It is a wonderful article, and I would love to send it to anyone who is interested. It really describes how you represent preverbal kids, and that is what we do.

Chairman Yeager:

I would like to invite you to submit the article to the Committee. It sounds interesting, and I am sure many of the Committee members would enjoy reading it. Are there any other questions from the Committee members? [There were none.] Is there anyone in Carson City or Las Vegas who would like to testify in support of S.B. 305 (R1)?

James P. Conway, Executive Director, Washoe Legal Services:

Ms. Buckley adequately articulated the reason why counsel for children is important and necessary. In 2016, Washoe Legal Services represented just under 1,000 children in Washoe County as well as in Lyon, Humboldt, Pershing, and Elko Counties. I think it is very appropriate we are considering this bill today right after considering Senate Bill 433 (1st Reprint). Both Ms. Buckley and I are frequently asked to address gaps in legal services in the state of Nevada in representing adult wards in guardianship cases as well as children in dependency and neglect cases where there are sizable gaps in delivering legal services to Nevada residents. With both of these two bills together, we will hopefully fill this gap. We are very excited to fill this justice gap once and for all.

Alice Ledesma, Division Director, Children's Services, Washoe County Department of Social Services:

We would like to offer our serious support of this bill and echo all the testimony previously given.

Chairman Yeager:

Are there any questions from the Committee members? [There were none.] Is there anyone in support of S.B. 305 (R1)? [There was no one.] Is there anyone in opposition to S.B. 305 (R1)? [There was no one.] Is there anyone neutral on the bill? [There was no one.] I would like to invite our two sponsors back to the table for any concluding remarks.

Senator Ratti:

I am incredibly grateful to the Committee for its time in hearing S.B. 305 (R1). I think it is the most important bill I am carrying this session. I am awed by Stephanie and Mekhi and how they are able to articulate what is a very real need in our system and what a difference it can make. They took time out of their life to get here and make sure that they told their story to you. I would like to thank Speaker Buckley for literally a lifetime of work on these issues to make sure that these children who need us know we are there for them. We know that not only will it help young people like Stephanie and Mekhi, we know that through the ripple effect throughout the rest of their lifetime, when they have better opportunities the impact that they will have in the world is exponential. I urge you to support S.B. 305 (R1), and let us all make a difference together.

Barbara Buckley:

Thank you for the audience today. I also want to thank Stephanie and Mekhi. They testified beautifully in the Senate and before you today, and we are very grateful. I would like to thank Senator Ratti for introducing this bill. I would also like to thank all of our staff attorneys and pro bono attorneys who do this work. There was a question earlier about Legal Aid and private attorneys. When we get involved, usually it is when the court says there is a gap and we need help. That is how this program began. For a Legal Aid attorney, a brand new graduate from law school who is employed by the Legal Aid Center of Southern Nevada, our starting salary is \$50,000. When we get laterals who come in—we had an attorney from a big firm who left to take a job with us—it was a 50 percent pay cut. Despite the fact that it is not financially lucrative, it is the best job in the world. You get to represent kids like Stephanie and Mekhi, and you learn to hone your skill and be the best lawyer you can be because you are not worrying about billing. You are worried about making a difference and being an effective advocate. For the lawyers who do this work every day—it is really hard to see some of these cases of abuse because these kids deserve better—but what a great opportunity to say, Hey, I may not have been able to do anything that went before, but from this day forward I can make sure you are listened to and I can make sure what you want to happen, happens. That is what lawyers do.

Chairman Yeager:

Thank you for being here this morning and bringing this bill to us. I will close the hearing on S.B. 305 (R1). Is there any public comment in Carson City or Las Vegas? [There was none.] Is there anything else from Committee members this morning? [There was none.]

We are going to be starting at 8 o'clock tomorrow. We have a work session where we will be considering five or six bills. We intend to do that the first thing in the morning tomorrow and then we will hear three bills. After that, I believe we have exhausted the bills that we have in our Committee at this point. We will likely have one or more work sessions later in the week. Stay tuned to the agendas and then as we get additional bills from the Senate, we will schedule those as well. With all of that said, I will see everyone bright and early at 8 o'clock tomorrow morning. The meeting is adjourned [at 10:49 a.m.].

RESPECTFULLY SUBMITTED:

Linda Whimple
Committee Secretary

APPROVED BY:

Assemblyman Steve Yeager, Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a proposed amendment to [Senate Bill 433 \(1st Reprint\)](#) by the Nevada Guardianship Association, presented by James W. Hardesty, Associate Chief Justice, Supreme Court of Nevada.

[Exhibit D](#) is a letter dated May 15, 2017, in support of [Senate Bill 433 \(1st Reprint\)](#) to members of the Assembly Committee on Judiciary, by Catherine Falk, Founder, The Catherine Falk Organization.

[Exhibit E](#) is a letter dated May 15, 2017, in support of [Senate Bill 433 \(1st Reprint\)](#) to the Chair and members of the Assembly Judiciary Committee, submitted and authored by Karen Kelly, Public Guardian, Clark County.

[Exhibit F](#) is a letter dated May 15, 2017, in support of [Senate Bill 433 \(1st Reprint\)](#) to the Chair and members of the Assembly Judiciary Committee, submitted and authored by Karen Kelly, Public Guardian, Clark County.

[Exhibit G](#) is a proposed amendment to [Senate Bill 433 \(1st Reprint\)](#) by the Legal Aid Center of Southern Nevada, the Clark County Public Guardian's office, and the Nevada Guardianship Association, presented by Karen Kelly, Public Guardian, Clark County.

[Exhibit H](#) is a proposed amendment to [Senate Bill 433 \(1st Reprint\)](#) by the Legal Aid Center of Southern Nevada, the Clark County Public Guardian's office, and the Nevada Guardianship Association, presented by Karen Kelly, Public Guardian, Clark County.

[Exhibit I](#) is a proposed amendment to [Senate Bill 360 \(1st Reprint\)](#) submitted by Senator Nicole J. Cannizzaro, Senate District No. 6.

[Exhibit J](#) is a proposed amendment to [Senate Bill 360 \(1st Reprint\)](#) submitted by Senator Nicole J. Cannizzaro, Senate District No. 6.

[Exhibit K](#) is a letter dated May 15, 2017, in support of [Senate Bill 360 \(1st Reprint\)](#) to members of the Judiciary Committee, authored and submitted by Catherine Falk, Founder, The Catherine Falk Organization.