MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY

Eighty-third Session
May 12, 2025

The Senate Committee on Judiciary was called to order by Chair Melanie Scheible at 1:00 p.m. on Monday, May 12, 2025, in Room 1214 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 6 of the Nevada Legislature Hearing Rooms, 7120 Amigo Street, Las Vegas, Nevada. Exhibit A is the agenda. Exhibit B is the attendance roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Melanie Scheible, Chair
Senator Edgar Flores, Vice Chair
Senator James Ohrenschall
Senator Roberta Lange
Senator Rochelle T. Nguyen
Senator Ira Hansen
Senator Lisa Krasner
Senator John Ellison

STAFF MEMBERS PRESENT:

Jered McDonald, Committee Policy Analyst
Brad Wilkinson, Committee Counsel
Michael Scully, Committee Counsel
Linda Hiller, Committee Secretary

OTHERS PRESENT:

Erin Truman, Alternative Dispute Resolution and Discovery Commissioner, Eighth Judicial District Court
Adam Ganz, Alternative Dispute Resolution and Discovery Commissioner, Eighth Judicial District Court
Alison Brasier, Nevada Justice Association
Nick Schneider, Vegas Chamber
Misty Grimmer, Nevada Resort Association
Katrin Ivanoff

John McCormick, Assistant Court Administrator, Administrative Office of the Courts, Nevada Supreme Court
Jonathan Norman, Nevada Coalition of Legal Service Providers
Betsey Crumrine, Deputy Administrator, Division of Child and Family Services, Nevada Department of Health and Human Services

CHAIR SCHEIBLE:
I will open the hearing on Assembly Bill (A.B.) 3.

ASSEMBLY BILL 3 (1st Reprint): Revises provisions relating to alternative dispute resolution. (BDR 3-472)

ERIN TRUMAN (Alternative Dispute Resolution and Discovery Commissioner, Eighth Judicial District Court):
I am here to present A.B. 3 with my Associate Commissioner, Adam Ganz, also an Alternative Dispute Resolution (ADR)/Discovery Commissioner in the Eighth Judicial District Court in Clark County. This bill seeks to increase the cap on the mandatory arbitration program to lower the civil caseload for district court judges, and to protect the fast and cost-effective access to justice.

We presented this bill to the Assembly, and there were several amendments proposed by stakeholders that the court has remained neutral on throughout the process. The arbitration program is an important program that resolves thousands of cases in the Eighth Judicial District Court each year. It is time to increase the cap to promote the efficacy of the program. I will turn the time over to Commissioner Ganz with a presentation (Exhibit C) regarding the importance of making this change at this time.

ADAM GANZ (Alternative Dispute Resolution and Discovery Commissioner, Eighth Judicial District Court):
The proposal is for the cases filed after January 1, 2026, which is when this will take effect. Just a bit of an overview of the ADR program: for decades, there have been ways to try to lessen the courts' number of cases in the court system throughout the country and the world, and ADR has been a big part of that. It is a less formal process, less expensive and less time-consuming than full litigation.

The program we're going to be talking about today was originally enacted three decades ago in Nevada by your predecessors under *Nevada Revised*

Statutes (NRS) 38.255. That is a mandatory nonbinding arbitration in the district courts with a population above 100,000 which currently is only the Eighth Judicial District Court and the Second Judicial District Courts.

This program is nonbinding—which is different than some other arbitration programs out there that are in contract—sometimes those are binding arbitrations. This is a nonbinding arbitration program, and that means there's a lot more fluidity to it throughout the process. *Nevada Revised Statutes* 38.250 currently says that all civil cases with a probable value of less than $50,000 per person are assigned to the program automatically. It is an opt-out system.

This overview, Exhibit C, gives you a little bit of a sense of how the case would flow. First, when a case is filed it can be automatically exempted because of certain categories of cases, like medical malpractice cases or construction defect cases, which are automatically exempted. The other option is that a litigant could request for the matter to be exempted because this is an opt-out program and cases are automatically put in the program unless they are automatically exempted or there is a request to get out of it.

If the case is exempted from the arbitration program, it goes into the district court subfolder and then that would proceed to a jury trial. Currently, those cases are taking, I believe, up to 3 years on average to get through the process, which is what we are going to call throughout this presentation a "full jury trial." If it goes into the arbitration program, however, it's resolved—and we'll talk about the number of cases that do get resolved—or there is a request for a trial de novo which basically means they could ask for a jury trial.

Currently, the program will automatically go into a short trial program if somebody files a request for trial de novo; the short trial program can also be opted out, and there is a mechanism for that. So, the arbitration program currently involves an attorney or a certified arbitrator who hears the case with either the ADR Commissioner in the Eighth or what they call an ADR judge in the Second supervising those programs. Currently, that would be Commissioner Truman and myself in the Eighth Judicial District Court.

Hearings are held at the attorney's office, not in the courtroom, so they're not taking up court space. They're usually completed within six months, and they must be completed within a year. Most arbitrations usually take place and can get done in about a half a day and within a couple of hours. That's because the

rules of evidence are relaxed, attorney fees are limited, and the arbitrators are required to serve at a significantly reduced rate from their normal everyday rate.

A basic overview of the short trial program is on slide 5, Exhibit C. How do you get in the short trial program? Again, if either party does not like the result of the arbitration, they can ask for a trial de novo which means that you are automatically placed into the short trial program. The arbitration award is no longer going to be a judgment against somebody, either for the plaintiff or the defendant, and it would be placed into a short trial program where the trial would start anew—that is what they mean by trial de novo.

The short trial must be completed in one day. The short trial is held in the courthouse with no court staff though, so we don't have a bailiff or other court members present, and we don't even have a recording of those proceedings, unless the parties choose to have it recorded and pay for it on their own. Evidence rules are relaxed, making it a lot cheaper for the litigants, and it only requires four to six jurors. I don't know of any other case, other than a short trial program, that is being dealt with in one day. Many take at least a week if not sometimes months at a time. So, the short trial program certainly is helpful in shortening that process.

In the history of the program and the legislation, Exhibit C, 2025 marks the thirty-third anniversary of the court program and the twenty-third anniversary of the short trial program. Periodically, you as a Legislature have increased the monetary limits for cases subject to the program into the automatic mandatory program.

Monetary limits increased from $25,000 to $40,000 in 1995 and increased again in 2005 to $50,000. In the past 20 years, since 2005, the limit has not been increased or changed at all. Assembly Bill 3 proposes to increase the maximum to $100,000 from the current maximum of $50,000. The reason that we want to do this is because the program is extremely successful. It has helped decrease the caseload burden on the Nevada courts, and the program has simultaneously helped litigants receive faster dispute resolutions, keeping litigation costs and fees down. It also caps the damages amount for appropriate cases—not all cases, but appropriate cases.

Let me talk about the trends for just a moment. Obviously, we all know that inflation has gone up significantly since 2005. It's risen about 60 percent for

general expenses, but for medical expenses, it's gone up 92.3 percent. Comparing purchasing powers, in today's dollars, $61 would have been about $1 back in 2005. That means that $50,000 in 2005 would equal about $80,000 at just the inflation rate. But if you look at the medical expenses, today, $50,000 would be at $96,000, and the majority of cases are exempted based on the amount of medical expenses they have. So that is why we are trying to bring this up to today's dollars simultaneously. The inflation and health care costs have risen faster than prices in the general economy, and the number of cases entering the program has significantly decreased because the cap amount is easily exceeded based upon the amount of medical expenses in today's medical expense dollars.

Slide 9, Exhibit C, illustrates the numbers and trends, and I want to slow down just a little bit to show some of this. The case filings are up. We've all heard about the influx of case filings. This is the number of civil case filings, and these numbers, by the way, are just for the Eighth Judicial District Court in Clark County. There were 17,000 cases in 2017 filed, and that has gone up to 24,000 cases in 2024.

The cases in the program are down significantly though, so the number of cases has gone way up. That means that more cases are in the court system, but the number of cases that have gone into the arbitration program have significantly decreased. It was nearly 55 percent in 2017, and it is now down to 37 percent in 2024. So, it's gone down significantly. Meanwhile, 78 percent of the cases in 2017 resolved in the program before a trial de novo, and that number is now nearly 93 percent of the cases in the program that are resolved before trial de novo.

That saves the court a significant amount of resources to be used to deal with those other cases. So, what we predict is that the percentage of cases will go back up to 50 percent to 60 percent, and the resolution of the 93 percent will continue to endure. And if we get 93 percent of 50 percent to 60 percent of all the civil cases that are filed resolved without even having to go through a short trial or a full trial, that's a significant decrease in the burden on the courts administration and the court system as we see it.

So that is why we are asking for an increase in this amount. This came from the Assembly with some amendments. I did not know if Ms. Brasier was going to speak on the actual amendments. As far as the court goes, we did not oppose

those changes in the Assembly. We felt that we were ethically bound to stay neutral in those positions, but we do support the bill in increasing the amount from $50,000 to $100,000.

ALISON BRASIER (Nevada Justice Association):
I am just going to walk through the amendments. The Nevada Justice Association (NJA) was originally opposed to the draft on the Assembly side as it was originally written, but we worked with stakeholders to come to those amendments that you see in the current form of the bill, and those amendments passed out of the Assembly. We believe that those amendments and the original language of the bill will help to efficiently move cases in the court system at a reduced cost and a shorter time period for all parties involved.

I will quickly walk through the existing amendments, and then I know there is a proposed amendment (Exhibit D) as well, but in the existing amendments that passed out of the Assembly, section 2, subsection 3, paragraph (o) lists actions which would not be included in this in the ADR process. These are actions that everyone involved agrees are not appropriate to be decided by a court-appointed arbitrator; they're more suitable for a district court judge to decide those matters.

Because we are increasing the value limits on cases that will now be heard via ADR, we needed to modernize the other monetary values included in the statute that would provide for increased fees and costs that could be awarded in these higher-value cases which will now be heard via the ADR program.

There are two proposed amendments, Exhibit D, to section 2, subsection 4 that we submitted to the committee. The first one applies to section 2 subsection 4, paragraph (a), and it would remove specific language about the amounts of compensations to arbitrators. Instead, it would indicate that those would be set by court rule or otherwise authorized by arbitration commissioners or a district court judge. The reason for that is so that anytime a court rule changes, we don't have to come back before this committee to then match that change in statute.

The next proposed amendment is in section 2, subsection 4, paragraph (b), subparagraph (2), which I think is probably just a typo or an oversight because in the section above it, subparagraph (1), it already talks about the fees and then subparagraph (2) again says fees. So, the proposed amendment would just

remove the word "fees" from section 2, subsection 4, paragraph (b), subparagraph (2) so that there are not inconsistencies between the two subparagraphs.

The existing amended language in section 2, subsection 4, paragraph (b), subparagraph (1) talks about what happens to cases if either side is not happy with the arbitration award. Currently, all the cases go to a short trial with the current limit at $50,000. When we increase the limit in the arbitration program to $100,000, these changes account for that. If the arbitration award is $50,000 or less and someone wants to appeal the decision, then that case will proceed to a short trial. That's what currently happens with every case that's in the arbitration program. If the award is more than $50,000 and either side wants to appeal the award, then that case would be heard before the district court. Currently, cases over $50,000 are being heard by the district court, so this would not be a substantive change into how we are already handling these cases. This amendment just accounts for the fact that we are now increasing the value of the cases that will be in the arbitration program.

Moving on to section 3, subsection 3 of the bill, this just talks about the fees allowable in the short trial program similar to what we said before in the prior section because we are increasing the value of the cases that are going before these short trial judges. It increases the work, and we need to modernize all the other monetary limits that are in the statute. We believe this provides some certainty and limitations on the fees awardable which are available at the district court level, so this provides certainty and limitations for all parties involved.

Finally, in section 4, subsection 2, this is not in any of the proposed amendments but in meeting with stakeholders including gaming, they had concerns about striking the language in section 4, subsection 2, paragraph (a) where findings of the arbitrator get presented as evidence to a jury; whether that is a short trial or in the district court, whatever the arbitrator found or decided is currently presented as evidence to a jury if the case gets appealed. We believe that it would be better for the new short trial jury or district court jury not to know what the arbitrator decided. But there were concerns from gaming and other stakeholders, so we are not opposed to keeping that language in A.B. 3 in the statute as it is currently written. Those are all of the amendments, both that passed in the Assembly and then our proposed amendments that have been submitted to this committee.

SENATOR HANSEN:
Is anybody here from the Supreme Court office? I have some questions. The original bill from the Supreme Court has been basically totally changed. They only wanted the dollar amount bumped up from what I can tell. And then you have this massive amendment from the Nevada Justice Association. It totally changes the short trial concept. It eliminates several categories that otherwise the court could assign to short trials, like actions in which an insurer is alleged to have acted in bad faith regarding its obligations to provide insurance coverage; that will now be unavailable to go to short—what do they call it exactly—short trials?

Remember, the rules must exclude the following from any program of mandatory arbitration. When I look at section 2, subsection 3, paragraphs (o), (p) and (q), those will all now be excluded from any possible short trial. This is going to actually expand the number of cases that will go into the more standard things. If anybody is here from the Supreme Court, this does not sound like what your original scope was. I have no problem with bumping the money up from $50,000 to $100,000, but now taking all of these categories out of the short trial concept and also adding in basically mandatory attorney's fees up to $15,000, I did not see anything from the Court on that. Could somebody from the Court come up and tell me, was that part of your original scope?

MS. TRUMAN:
Senator Hansen, I am here from the Court and so is Adam Ganz. Let me explain a little bit about how the process works. Currently, we have remained neutral on NJA's proposal. Also currently, what is required under the rules is that when there is a case that involves something, for example, a breach of contract, bad faith, sexual assault or any other matter—those requests for exemption must be filed; and they have to set it forth, and then the commissioner makes the determination.

So, it's not saying that these cases can't go to arbitration, that they're not required to under the statute, and they will not have to file a request for exemption, but the court rules do provide that any parties who stipulate and want to go to arbitration certainly can. We have remained neutral on that proposed change, but it doesn't mean that those cases cannot go to arbitration. It means that they are not required to file a request for exemption from arbitration.

MR. GANZ:
I think you might have used the word hijacked. Our original bill was to increase the amount. Obviously, there were some other amendments that were made which we took a neutral position on. It doesn't significantly change the program, we felt, procedurally or conceptually, as Commissioner Truman just mentioned. A sexual assault case may come in, and we're going to get it evaluated by both Commissioner Truman and myself. Those cases, most likely, are going to get exempted anyway, almost in all circumstances, because it's a basic showing at this level to just determine if everything were to be proven, whether or not it is going to stay in the mandatory arbitration program. So, some of those things were not real substantive.

With regard to the increase in the attorney fees, there are already attorney fees capped. From what I understand, the way this is going to work is to not give any discretion to the arbitrators and/or the short trial judge, so they can't go above that. That's the understanding of how that is going to play out again.

The reason why for those? You're going to have to ask the NJA, but from a court's perspective, that is procedurally how that is going to occur.

SENATOR HANSEN:
Okay, I got it. No, the bottom line with the presentation for me sitting here was that you guys were all three presenting the same bill. When in reality, the Supreme Court bill—I didn't say hijacked, I just said these are amendments that have been added on. Reading it, they don't strike me as being a friendly amendment, frankly.

Like I said, you guys came in with a bill to pretty much leave the program in place, expand the dollar amount from $50,000 to $100,000, and then we have this amendment which is quite extensive from the NJA which changes a whole bunch of things. It doesn't make it so you can't use mandatory arbitration, but it does say that the court must exclude the following types of programs. Obviously, I was surprised to see sexual assault or sexual battery in there at all. That certainly wouldn't be something that would normally go to mandatory things. I think that was thrown in there, I don't know why, it just kind of clouded the issue, frankly, because criminal law is not something that normally is done through binding arbitration.

Anyway, this is a lot different than the original bill that was presented to the Legislators by the Supreme Court. It appears to me that there is a huge amendment that has been tacked on that definitely is substantially more than the original intent from the court. So, when I am looking at this, I want to know, "What is the court's bill? And what is the amended bill?" I think I have got that, and really the court's bill is just to change the dollar amounts. Then the NJA amendment is pretty much the rest of the bill that we see, so I just want to get that out there and try to get my head around what we're really talking about because the court bill and the NJA bill are substantially different.

MR. GANZ:
I am sorry if I used that word. I didn't mean to put words in your mouth. We also made a change to the effective date. The only other thing that the Supreme Court did change was the amount and the effective date for cases that were filed after January 1, 2026. But the amendments were not proposed by the Court. We don't believe we have a place to do that. Some of those items can be dealt with in court rules. So those are items that might have to be addressed anyway, even if this were to be approved and passed in order to get consistent with the current court rules as they now stand.

SENATOR HANSEN:
Okay, what I did find was that Andres Moses [representing the Eighth Judicial District Court] did present an amendment to make the effective date January 2026. That, along with the $50,000 increase, is the Court's bill, basically. I just wanted to get that straight, and the Court's bill I am fine with. I've got some real, real problems with some of the proposed amendments that frankly, I do not know why they are on a Supreme Court bill, anyway. It is hijacking in my opinion. If the Nevada Supreme Court didn't have an opportunity to approve these kinds of amendments to their own bill, that is bad faith operating in my opinion.

CHAIR SCHEIBLE:
I will just take a point of personal privilege to say I think that we are all in a very difficult position in a case like this. I do not know that other states have the same rules that we have where the Judicial Branch gets to propose pieces of legislation to the Legislative Branch. So, what I think I understood was that the Supreme Court suggested A.B. 3, and that was introduced by the committee. And then when it came time to work the bill, when stakeholders came to the table asking for amendments, the Supreme Court then took the position that

they were unable to either accept or reject amendments and had to remain neutral on amendments despite being the proponent of the bill. Am I understanding that correctly?

MR. GANZ:
Yes, that is exactly the case.

CHAIR SCHEIBLE:
I was just saying that I think it is really unfortunate and almost unfair to the Legislators now who don't get accurate feedback from the sponsor of the bill whether or not amendments are friendly, and I understand that we can't fix that in a hearing today. I just wanted to recognize the difficult position that this puts all of us in.

MR. GANZ:
May I just address your last comment? It's that the court may actually come to have to make a decision about some of these amendments at some later date. Therefore, we can't take a position on that ethically. If we're saying that we are proposing it and then later on, we find that maybe it was not constitutional in some way, it makes it very difficult. So, that is why we can't take a position when we propose a bill like this. We're really just trying to increase it so that additional cases come into the program as the Legislature intended 30 years ago—for that to take away some of the cases from the court system to make it better. So hopefully, that explains a little bit.

SENATOR ELLISON:
I have a question on section 2, and I am looking at [page 3,] lines 21 through 23. It says, "Voluntary program for the arbitration of civil actions if the cause of action arises in the State of Nevada and the amount in issue exceeds $100,000 per plaintiff." Is that going to limit a lot of people that would be going up into that section of the law?

MR. GANZ:
I'm not quite sure I understand, Senator, what your question is.

SENATOR ELLISON:
You jump from $50,000 to $100,000, right?

MR. GANZ:
Correct.

SENATOR ELLISON:
So, with that increase of $50,000, are you limiting certain people from even going to the Supreme Court?

MR. GANZ:
Now I understand your question. It's basically a filtering system to filter out some of the smaller cases so they don't bog down the court system in what we call a full jury trial. Any one of these cases, even after a short trial, can be appealed to the Nevada Supreme Court. So, if it goes to the arbitration program, someone trial de novo's it, they have two options. They can opt out of the short trial program and get into the regular system just as if this program did not exist, or it would go into the short trial program. And, if it goes to the short trial program and they still don't like the result, they can still appeal it to the Nevada Supreme Court.

MS. TRUMAN:
One point I would like to make so that it is clear is that just because a case goes into the mandatory arbitration program, that never eliminates a party's right to a full jury trial. If they are not satisfied with the result of arbitration, they can appeal that decision, and that case will then automatically go to a short trial, or if those litigants choose to, they can opt out of the short trial program and go into the regular judicial system. Never is a party's right to appeal it to the Supreme Court limited and neither is a party's right to receive what we would call a full jury trial, which is a long jury trial that is not resolved within one day. Everyone still has that right. They just have to opt out, otherwise it would procedurally just automatically go into the short trial program if they do not elect out of the program.

SENATOR ELLISON:
That makes sense. Most of the cases that go to the Supreme Court are either corporate or murder cases that are being challenged to the State or whatever. Is that correct? Could you give us an idea of what is your most common case that goes to the Supreme Court?

MR. GANZ:
I don't have those numbers in front of me, but I will tell you this program is only dealing with civil cases. This has nothing to do with criminal cases. So even the Senator earlier was talking about a sexual assault. This would be the civil version of that where somebody is suing somebody for money damages or for some kind of act for the money damages. The criminal side of it still deals within the criminal side of it. As far as the numbers go, we can certainly get those to your office. Those are published in our annual reports every year.

MS. TRUMAN:
I would say that the majority of the issues that come from the short trial program and the ADR program, the arbitration program, are procedural in nature, dealing with the application of court rules or the application of caselaw in regard to the procedure of the case.

Most of the cases that come out of the short trial and the arbitration program are procedural in nature, but again, no criminal cases are handled by the district court arbitration program.

SENATOR HANSEN:
I am not sure if she is the judge or, Truman was your last name? All the stuff that you just told us, isn't that all existing law and existing practice? The Nevada Supreme Court bill is simply doing two things basically—bumping the dollar amount from $50,000 to $100,000 and changing the effective date. Everything else you mentioned that is available to people using these types of civil arbitration practices—that's all existing law, correct?

MS. TRUMAN:
Yes, that is correct.

SENATOR HANSEN:
It sounded like the additions to the bill that are not from the Supreme Court would cover some of the things you mentioned. What you were saying, though, is those things are already in existing statute. The actual bill as presented to the Nevada Legislature by the Nevada Supreme Court was to simply bump the dollar amounts up. And then the only amendment they brought involved changing the effective date. Everything else is not directly from the Nevada Supreme Court. And that is why, I think you can understand, the chair of this committee was a little bit flabbergasted, frankly, because normally when a Supreme Court bill

comes before our judiciary committee, they are almost always rubberstamped simply because of the Supreme Court and they have very, very good reasons for doing it. That's why this one was so unusual in that the original Supreme Court bill, which is very simple and basic, has been converted into something that is much more complex dealing with a lot of different issues.

So, with that, I just want to get that on the record that the existing law now is already what Commissioner Truman had mentioned. It is not part of these amendments that are proposed by the NJA.

VICE CHAIR FLORES:
I would like to invite those wishing to testify in support of A.B. 3. Seeing none, I will open opposition testimony.

NICK SCHNEIDER (Vegas Chamber):
We did have some concerns with A.B. 3 as amended in revision one [the first reprint]. To our understanding, there is a proposed amendment to revert the language in section 4 back to existing law. With that change, we would be happy to move to neutral.

MISTY GRIMMER (Nevada Resort Association):
Similar to my colleague from the Chamber, we had significant concerns with the bill in its reprinted version with the amendments, but with reverting section 4 back to current law, we are now neutral on the bill.

KATRIN IVANOFF:
I am in a position of opposition after listening to the questions the representatives had, and the answers were not very ... [unintelligible statement] ... many of the people, including Supreme Court. They are ... [unintelligible statement] ... neutral. I don't know the rules, but if they like it, they should be in support. So I do not know. The way it is written right now, I am opposed to this deal.

MR. GANZ:
We believe this is important because the numbers suggest that the arbitration program helps deal with nearly 93 percent of the civil cases that are resolved in that program. If this amount does not get increased, it is likely that this program will continue to dwindle. As I said, from 2017, it went from about 55 percent of the cases filed in the Eighth Judicial District Court down to about 37 percent. If

we continue on that trend, the medical expenses are going to make most of these cases be exempt from the arbitration program anyway; eventually, the program will have no efficacy in helping to resolve some of these small disputes for low cost and access to justice for people.

VICE CHAIR FLORES:
I will close out the hearing on A.B. 3 and submit a letter of opposition (Exhibit E) that we received for that bill, and I will open up the hearing on A.B. 65.

ASSEMBLY BILL 65 (1st Reprint): Revises provisions relating to guardianship. (BDR 13-470)

JOHN MCCORMICK (Assistant Court Administrator, Administrative Office of the Courts, Nevada Supreme Court):
Assembly Bill 65 is a continuation of the guardianship reform efforts that began in earnest in 2015. This bill was worked on fairly thoroughly by the members of the Guardianship Commission as well as other stakeholders to get to where we are with this first reprint version.

Section 1 of the bill clarifies that guardianship investigator responsibilities include investigating the ability of a proposed guardian to meet the needs of the proposed protected person as well as obtain vital records and locate relatives of the proposed protected person. In section 1, this bill provides that a governmental entity cannot charge guardianship investigators for vital records. That's an issue we currently experience—having to pay to get those records as part of the investigation.

Section 2 authorizes alternative methods of service at the discretion of the court upon good cause shown, and the alternative service must be done pursuant to the *Nevada Rules of Civil Procedure*. It also allows the court to waive service by publication for good cause shown in certain circumstances and notice by publication is generally that last notice step.

Section 3 removes "compliance" from the name of the [State] Guardianship Compliance Office at the Nevada Supreme Court Administrative Office of the Courts (AOC) to more accurately reflect the role and duties of that office. Those duties are to assist courts with the responsibilities in guardianship matters including oversight, as well as making determinations on the appropriateness of

the appointment of a guardian. With compliance currently being in the name of the AOC, we've had some folks believing that the office has the authority to oversee guardianship judges and to critique their decisions, which is clearly not the case, so we want to get that cleaned up in statute.

Section 3 also removes the statutory cap on the number of staff that office may employ and rather changes that cap language to the standard within the limits of a legislative appropriation language that we see throughout NRS regarding some of those employment decisions. It also provides that the guardianship investigators from the AOC may not be charged for vital records as well.

Section 4 of the bill puts the federally required special immigrant juvenile guardianship language into NRS 159A which is the minor guardianship chapter that was split out from Chapter 159 [of NRS] in 2017.

Section 5 also makes additional amendments to NRS Chapter 159A to conform it with the necessary special immigrant juvenile guardianship language.

Section 5.5 [6] updates language regarding the county level minor guardianship investigators to match the language in section 1 about the ability of the investigators to investigate the ability of a proposed guardian, rather than suitability, which is generally a judicial determination. It also provides that the minor guardianship investigators appointed to the district court level cannot be charged for vital records.

Section 7 provides the same discretion that I mentioned earlier as far as authorizing alternative methods of service for minor guardianship cases under NRS 159A.

Section 8 is technical correction language for lack of a better term regarding termination of minor guardianships. It also adds language regarding the termination of guardianship for a special immigrant juvenile.

Sections 9 and 10 are what I would characterize as drafting instructions and technical language due to the name change of the AOC's current Guardianship Compliance Office to—as proposed in this bill—just Guardianship Office.

SENATOR HANSEN:
In section 5, you have age 18 for a minor and 19 for a minor, but then you have this weird section that references, "Twenty-one years of age if the person is seeking status as a special immigrant juvenile with the United States Citizenship and Immigration Services of the Department of Homeland Security." Is that federal law? I mean, normally a minor is under the age of 18. Why this carveout up to 21 years of age?

MR. MCCORMICK:
It is my understanding, Senator, that that is a requirement under the federal rules, so we are trying to make sure that NRS 159A complies with the existing federal law.

SENATOR HANSEN:
Okay, I hope that is the reason, because otherwise I have some real hangups with calling somebody a minor when they are almost 21 years of age. That also explains my next question, which is in section 4, when it says, "proposed protected minor seeking status." Who are you protecting them from? What does that mean? If I am 20 years old and I am a protected special classification minor, who is the Nevada Supreme Court guardian program protecting this minor from?

MR. MCCORMICK:
In that case, the minor may not have parents available to them to provide that function, so a guardian would need to be appointed. Generally, that's sort of why, but not knowing, that would be sort of case by case specific to each juvenile.

SENATOR HANSEN:
Okay, but this is seeking status as a special immigrant juvenile with the United States Citizenship and Immigration Services. So, you guys are basically going to take over a federal function through a guardianship practice?

MR. MCCORMICK:
Perhaps I don't understand special immigrant juvenile status as well as I should here. I believe it's if the juvenile has been a victim of some various offenses—again, not recalling the specifics of the program—they are eligible to seek citizenship as a special immigrant juvenile based on some condition. If they are a minor, then there needs to be a guardianship so there is some person in

charge with responsibility for the health and welfare of that individual. And so, it's not assuming a federal function; it's complying our guardianship statutes to an existing federal program to make sure that Nevada law is appropriately acknowledging the federal requirements.

SENATOR HANSEN:
I got it. If you could get back to me on that, I would appreciate it. Dig a little deeper. It is a very unusual carveout that I have never seen in any guardianship issue. Number one, where we jump the age up to 21 and then have the guardian program essentially helping them—I don't know—get legal immigration help, I guess.

VICE CHAIR FLORES:
I can help clarify. Because guardianship is handled differently on a state-by-state basis, but special immigrant juvenile status is something you request at the federal level, it's always been the role of the federal government punting it down to each individual state to have their set of rules, whatever they may be, to establish guardianship because there's a special finding that you need in order to be eligible for a special immigrant juvenile status.

So, the federal government says you have to do XYZ, and one of those things that has to be done is establishing that guardianship. But because guardianship is dictated by state law—we do not have a guardianship federal law—they punt it back to the state, so the State of Nevada has to create a rule to comply with that requirement. That is the reason we see it like that. Otherwise, typically you would be right that the federal government would be handling it at their level. But there's no such thing as the federal government handling guardianship at the federal level. So, they send that responsibility back to each individual state.

SENATOR HANSEN:
Thank you for that clarification. It is still kind of unusual. I mean, when you are doing your research for me, find out are there any other guardianship cases where you extend it to 19-, 20- or 21-year-olds when you are doing that research.

VICE CHAIR FLORES:
Yes. I will now open it up for support testimony on A.B. 65.

JONATHAN NORMAN (Nevada Coalition of Legal Service Providers):
I would like to thank Mr. McCormick and the Guardianship Commission for all their work on this bill. Legal Service Providers, including Legal Aid Center, are in strong support.

VICE CHAIR FLORES:
I would like to invite up those wishing to testify in opposition to A.B. 65.

MS. IVANOFF:
I am in opposition to this bill simply because I do not understand how you can call 21 years old a minor. I do not think that should be in the law. If it is in the federal law, it does not have to be in Nevada law because, God is my witness, you passed many laws that are in a position of federal laws, including the fact that right now we have two genders and you are still passing transgender law in any event.

What I wanted to say is that we should not start the slippery slope calling someone 21 years old a minor because then when they commit crimes or anything else, little by little they are going to start saying that they committed it as minors. And it is really interesting to me the same body that thinks that three years old are adults enough to chop their body parts, oh, they are not minors, but a 21-year-old is a minor. That deal is very confusing to me. I would really like that 21-year-old minor reference to be deleted from this bill. Please do not support it as written.

VICE CHAIR FLORES:
Seeing no one else wishing to speak in opposition or in neutral, I will close the hearing on A.B. 65 and move to our final bill hearing for today, A.B. 520.

ASSEMBLY BILL 520 (1st Reprint): Revises provisions relating to adoption. (BDR 11-356)

BETSEY CRUMRINE (Deputy Administrator, Division of Child and Family Services, Nevada Department of Health and Human Services):
I am here today to assist in providing a little background and the intent behind the proposed provisions to A.B. 520. This measure is sponsored by the Joint Interim Standing Committee on Health and Human Services.

In Nevada, a child-placing agency, otherwise referred to as a private adoption agency, operates and functions outside of the child welfare system. They're a nonprofit corporation licensed by the Division of Child and Family Services to place children for adoption that do not include the child welfare agency or our involvement outside of NRS 432B proceedings which relate to the child welfare system. There are a total of five child-placing agencies or private adoption agencies within Nevada. Although they are separate organizations, collaboration and screening of employees is conducted to ensure proper safeguards are in place for the children in the process of solidifying a forever home.

The original intent of A.B. 520 was to grant the Division authority to conduct background checks on the director of the child-placing agency just as is performed on all of its employees. We brought forth this recommendation to the Interim Standing Committee on Health and Human Services to include the director of these agencies to also undergo the same criminal background check screenings that must comply with federal rules administered by the Department of Public Safety.

Although we accepted amendments in the first House, there are still revisions that we have been asked to make. So, a second conceptual amendment (Exhibit F) has been proposed and provided today. Essentially, the amendment will delete sections 3, 4, [5] and 11 to ensure compliance with the federal rules. Fortunately, I phoned a friend from the Department of Public Safety who I was able to speak with today and will be offering a third amendment to this bill. I can get that to you within the next two days.

Section 6 allows the State Register for Adoptions to release information related to an adoption if the natural parent consents. This bill adds a new provision to allow the Division to release information if the Division determines extenuating circumstances exist to justify the release of information. Currently, the only way biological family members of an adopted child may receive information is if the natural parent consents to the release of information.

The challenge with this provision is that it doesn't contemplate or reconcile the ability for siblings to receive information about each other, even in adulthood. Biological grandparents, stepsiblings or the nonoffending stepparent can't have access. Nor does it contemplate what should or could occur if the natural parent is deceased. This section will reconcile that dilemma.

Finally, the other substantive change is in section 8 which adds remote technology systems to the mechanisms in which an adoption proceeding is conducted virtually. Currently, the only allowable mechanism is the telephone, and a lot of our court systems now have Zoom capability. For an adoption hearing where everybody shows up and it is a happy day, it is important to be able to have that visual option if it is available.

We appreciate your time and indulgence with the proposed amendments to A.B. 520 and the proposed enhancements to increase opportunities for better engagement of all parties in the adoption proceedings and the release of information when appropriate for children and families adopted in Nevada. We look forward to continuing our collaboration with the sponsor of this piece of legislation.

VICE CHAIR FLORES:
Thank you. I will take support testimony at this time.

MS. IVANOFF:
I am in support of this bill. I believe that siblings, if they try to find each other, should be able to. The way it was presented, I support this bill.

VICE CHAIR FLORES:
Seeing no one wishing to testify in opposition or neutral to A.B. 520, I will close the hearing and open public comment.

MS. IVANOFF:
I just wanted to say thank you to everybody that is working hard for us. I really appreciated the questions that the Legislators were asking as it makes it a little bit more understandable. I just want to say thank you for your hard work and not just you but the people that support you there, the people on the phone and … [unintelligible statement] … so I wanted to thank you for them as well.

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VICE CHAIR FLORES:
Seeing no more people wishing to make public comment, this meeting is adjourned at 2:07 p.m.

RESPECTFULLY SUBMITTED:

_____
Linda Hiller,
Committee Secretary

APPROVED BY:

_____
Senator Melanie Scheible, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	**Exhibit Letter**	**Introduced on Minute Report Page No.**	**Witness / Entity**	**Description**
	A	1		Agenda
	B	1		Attendance Roster
A.B. 3	C	2	Erin Truman and Adam Ganz / Eighth Judicial District Court	Presentation
A.B. 3	D	6	Nevada Justice Association	Proposed Amendment
A.B. 3	E	15	Henderson Chamber of Commerce	Opposition Letter
A.B. 520	F	20	Division of Child and Family Services, Department of Health and Human Services	Proposed Amendment