

Adult Guardianship Advocacy Program
and
Minor Guardianship Advocacy Program

Year-End Report 2021



Executive Summary

Imagine having someone appointed to run your life without you having any say in the matter? This was the reality in Clark County before the establishment of Legal Aid Center of Southern Nevada's Guardianship Advocacy Program. The vision behind Legal Aid Center's legal representation in adult guardianship actions is to provide the following:

- To ensure that the least restrictive alternative to guardianship is explored and selected before guardianship is considered so as to maximize the independence and legal rights of those who would otherwise be placed under guardianship.
- To protect and represent the due process rights of seniors and individuals with disabilities who are currently saddled with an inappropriate guardian who ignores their needs, exploits them, and/or overbills them.
- To advocate the wishes of seniors and individuals with disabilities in a guardianship action when they want to remain in their home, or, when this is not possible, live in a place of their choosing where they feel safe and comfortable.
- To stop guardians from unilaterally liquidating the property, keepsakes, and heirlooms of a person under a guardianship.

In 2021, our guardianship team represented an astounding **2,848** adults in guardianship cases. Because of the success of our program, Legal Aid Center was asked to launch a Minor Guardianship Program to ensure that children had a voice in their future in guardianship court. This program celebrated its first full year of operations in 2021, becoming one of the country's first minor guardianship programs. These cases often involve custody and parental rights matters, as well as abuse and neglect issues.

Our minor guardianship attorneys advocate for their young clients to ensure that their voices and wishes are heard and considered and their legal interests are protected. These attorneys use a multi-disciplinary approach, working closely with their co-workers (Legal Aid Center attorneys from other program areas) to capitalize on our institutional knowledge of children's law, family law, and immigration law. The team ended the year litigating *forty-four evidentiary hearings* and represented *1,203 children in guardianship court*.

In 2021, we made huge strides in our Outreach Program. We were able to educate social workers at the Clark County School District on how they can assist school families avoid unnecessary guardianship with alternatives such as Supported Decision Making Agreements. Our presentation was so well received, they have asked us back to present to those who were unable to attend the first event.

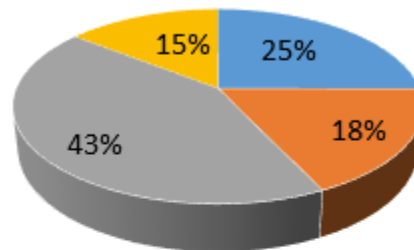
We gave a presentation to a local senior center focused on how to avoid guardianship. We participated in the Community Coordinated Response to Elder Abuse Group, and attended meetings to discuss opportunities for the Elder Grant with the Nevada State Bar. In 2021, we presented a CLE on both Adult and Minor Guardianship cases as the first step in developing a pro bono program for those cases.

Representation

Adult Guardianship Advocacy Program 2021	
Consultations 2021	28
New cases accepted 2021	862
Total cases worked on by attorneys (includes new and previous years cases)	2,839
Total annual clients served	2,848

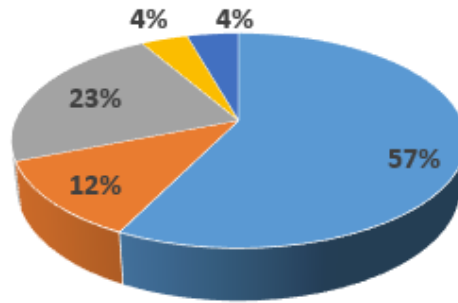
Minor Guardianship Advocacy Program 2021	
Consultations 2021	11
New cases accepted 2021	641
Total cases worked on by attorneys (includes new and previous years cases)	876
Total annual clients served	1,203

Adult Guardianship Outcomes 2021



- Guardianship denied/avoided
- Guardianship ultimately terminated for cause; during case pendency protected person's rights enforced, guardianship changed or removed, and/or estate assets protected or recovered
- Guardianship ultimately terminated due to death; during case pendency protected person's rights enforced, guardian changed or removed, and/or estate assets protected or recovered
- Brief services; Counsel & Advice; Deceased; Referred after assessment

Minor Guardianship Outcomes 2021



- Rights enforced
- Rights enforced/assets protected or recovered/Avoided dependency or other proceedings/Gship terminated for cause or other
- Rights enforced/Gship denied/dismissed/avoided
- Rights enforced/obtained transfer to proper forum
- Brief Service; other

Age Demographics

Adult Guardianship Clients		Minor Guardianship Clients	
Ages of Clients in 2021	Count	Ages of Clients in 2021	Count
Information not provided	68	Information not provided	12
0-17	6	0-3	184
18-30	714	4-7	208
31-40	248	8-10	185
41-50	166	11-16	468
51-60	252	17-19	142
61-70	361	20+	4
71-80	483	Grand Total	1203
81-90	395		
90+	155		
Grand Total	2848		

Monetary and Property Recovered/Avoided

Adult Guardianship	Minor Guardianship
Avoided = \$330,441	Received = \$62,466

Conclusion

The right to counsel in guardianship cases has significantly changed the landscape of guardianship in the State of Nevada. Many wrongful adult guardianship actions were prevented through the appointment of counsel, and many existing adult guardianships were dissolved as a result of independent legal counsel. In 2021 alone, 25% of adult guardianship actions were dismissed as a result of legal intervention. Another 23% of minor guardianship cases were also dismissed. When there is independent legal counsel appointed to a case who is not paid from the estate and thus has no financial interest in dragging out a case under extensive court proceedings, there is a change in the dynamic of these actions. The result is a client-centered approach which prioritizes the interests of the protected person.

Increased attorney representation in minor guardianship cases in 2021 was also rewarding. In some ways, minor guardianship law is similar to that of adult guardianships, but the case dynamics are much different, with minor guardianship cases requiring an extensive knowledge of interviewing children as well as an understanding of the intersection of guardianship, abuse and neglect, and custody laws. There is no doubt that having the child's voice be heard for the first time through independent legal counsel has changed the outcomes of children's lives.

Sample Cases

Joe*

Joe is a sharp 81 year old gentleman. When Legal Aid Center counsel first spoke to Joe, he was a resident at a group home. He was placed there following a hospital stay after suffering a fall. The hospital did not have contact information for any family members and discharged Joe to a woman he did not know but who had an affiliation with the group home. That same woman filed a petition to be appointed as Joe's guardian of his person and estate due to a dementia diagnosis. The guardianship petition stated there was no knowledge of any family members. The woman also somehow became Joe's representative payee for his social security benefits.

Legal Aid Center counsel informed Joe a guardianship petition was filed by the woman and he said he did not know her very well. If anyone was going to be his guardian, Joe wanted it to be his daughter because he only trusts her with his money. Joe was unaware the woman was his payee for his social security benefits. It was his belief that his benefits were being deposited into his credit union as they always had been. He told counsel he also receives a sizeable pension from his days as a longshoreman in California and was concerned the woman was trying to take control of his money. Joe provided counsel with a telephone number for his daughter.

Legal Aid Center counsel spoke with Joe's daughter and she was aware that he was in the group home and had been speaking with him regularly. She was unaware that a guardianship petition was filed. In fact, she tried to speak with the woman about her father in the weeks prior but the woman refused to speak with her. Joe's daughter informed counsel she was always willing to have her father live with her but was being blocked from picking him up. Legal Aid Center counsel filed an objection to the petition on Joe's behalf, stating that the petition was based on inaccurate information and that his daughter will be taking him into her home.

Joe's daughter went to the group home to pick up her father prior to the guardianship hearing. Joe had already confirmed he would prefer to live with his daughter. The group home refused to release Joe to his daughter. The group home was not a locked facility, nor had Joe signed any contract to be there, so the group home was effectively holding him against his will.

At the hearing on the guardianship petition, the court was extremely wary of the woman and her intentions. The court appointed an investigator into the woman's background, as well as an investigation into the group home's business practices. It turned out the woman also filed guardianship petitions related to multiple other individuals who were hospitalized and family was not located. The investigation into this woman is ongoing.

The court denied the guardianship petition and ordered the group home to release Joe to his daughter. Joe is now happily living comfortably with his daughter.

Ava*

Ava was born in 2016. Her parents were 15 years old and did their best to co-parent. Ava lived with her mom and maternal grandmother. Her father kept in regular contact with Ava. He worked at McDonalds and gave his paychecks to Ava's mom for necessities. He spent all of his free time with Ava. However, her father was forced to leave Ava behind with her mom when his parents moved to Arizona.

Tragically, Ava's mom overdosed on prescription drugs in front of Ava. CPS stepped in and took protective custody of Ava. CPS determined her father to be suitable and placed Ava with him. When Ava came to live with her father, her teeth were literally rotting out of her head. Her mother and grandmother contributed to her dental neglect.

Subsequently, Ava's maternal grandmother hired an unethical attorney in an attempt to take Ava from her father. Together they incited legal chaos by trying to take Ava through two different courtrooms. They set two different trials. A trial for guardianship and a trial for custody. But they didn't take into account that Legal Aid Center would be appointed to represent Ava. After a long trial, the judge ordered Ava to be returned to her father by 3pm that same day. The judge applauded her father for being the only adult in Ava's life to care about her dental neglect, and was confident that her father would take excellent care of Ava.

The day after the trial, her father sent a text. "Thank you so much! I can't ever thank you and Legal Aid Center enough. We appreciate you and I hope the lord gives you and your family the biggest blessings you all pray for. You helped me and Ava so much, I can't even put into words to thank you enough. I'm very grateful for you. Without you, I would not have my daughter. I'm going to make sure that Ava remembers you. You are her hero."

** Names changed to protect client's confidentiality*