



Guardianship Complaints

Administrative Office of the Courts
Guardianship Compliance Office

**A GUIDE FOR JUDGES
AND COURT STAFF**

CITIZEN COMPLAINT PROCESS

Nevada Supreme Court Guardianship Rule 5 allow Courts to receive communications that would otherwise be considered ex parte communication. This is in accordance with National Probate Court Standards, which stipulate that Courts should establish a clear and easy to use process for communicating concerns about guardianships and the performance of guardians. This standard also stipulates that there should be a process for Courts to receive ex parte communications.

The Court Rule provides District Courts a way to receive and review significant complaints about the welfare of a protected person or the performance of a guardian. It also provides guidance on what actions a Court can take when receiving significant concerns.

GUARDIANSHIP COMPLIANCE OFFICE

When the Guardianship Compliance Office receives complaints that are significant, it will:

- 1) Notify the court of the concerns that are reported, and;
- 2) Offer the Court investigative and/or auditing services to look into the matter.
- 3) Any complaint that reports physical, sexual, or financial abuse, abandonment or mistreatment will immediately be reported to law enforcement or child protective services or adult protective services.

If the Court finds that an audit or investigation is warranted, the Guardianship Compliance will require a court order to proceed. Sample court orders are available on the Guardianship Compliance Webpage of the Supreme Court.

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CONSIDERATIONS WHEN RECEIVING A COMMUNICATION

- Is the guardian in compliance with annual reports, accountings or other required documentation?
- Is the Protected Person present during hearings?
- Does the Protected Person have an attorney?
- Have there been multiple complaints from various sources?
- Has the Guardian expressed stress or burnout?
- Has the Guardian been cooperative with other parties and agencies involved with the Protected person?
- Has the guardian reported regular visits to the Protected Person?

SOME CONCERNS THAT MIGHT BE REPORTED

- Misuse of the Protected Person's Estate
- Restricting the Protected Person from their money
- Failure of a Guardian to provide needed medical, psychological, or social services to the Protected Person
- Isolation, neglect or abuse of a Protected Person
- Highly restrictive interventions or environments
- Denial of essential rights, such as visitors, receiving mail or telephone calls
- Moving the Protected Person to a more restrictive setting without notice and court approval
- Poor living conditions
- Person to person abuse in a group living setting, such as a supported living arrangement or group home
- Inadequate staffing in group home or supported living settings and the guardian has not, or will not, address it

ACTIONS THE COURT CAN TAKE

- Review the court file and take any action that is supported by the record, including but not limited to, ordering a report on the Protected Person's condition, an inventory, an accounting, or any other filing which is outstanding
- Appoint a Guardian ad litem
- Appoint an Attorney
- Appoint an investigator, pursuant to NRS 159.146
- Appoint a financial forensic specialist
- Refer the matter to the appropriate law enforcement agency
- Refer the matter to appropriate agencies, including but not limited to child protective services or adult protective services
- Refer the matter to the appropriate licensing agency
- Set a hearing regarding the communication, requiring the parties' attendance, and/or require a response from the Guardian concerning the issues raised by the communication
- Decline to take further action on the communication, with or without replying to the person initiating the communication, or returning any written communication received from such person

DISCLOSING COMMUNICATIONS

- Any communication and action taken as a result of the communication shall be disclosed to the guardian, the guardian ad litem, the protected person's attorney and all parties of record and their attorneys.
- If a communication does not raise specific concerns, and would otherwise be considered ex parte communication under NCJC Rule 2.9, the Court shall return the communication to the sender, if known, and disclose notice of the communication to the guardian, guardian ad litem, the protected person's attorney, and all parties of record and their attorneys.

REPORTING AGENCIES

ISSUE	AGENCY	HOW TO REPORT
Abuse, Neglect, Exploitation of children under 18 years of age.	Child Protective Services	Clark County: 702-399-0081 Washoe County: 775-785-8600 All other areas: 1-833-803-1183
Abuse, Neglect, Exploitation, Mistreatment or Abandonment of a person age 60 or a vulnerable person over the age of 18.	Adult Protective Services	Clark County: 702-486-6930 All other areas: 888-729-0571
Problems with a Private Guardian (not licensed, misuse of protected person’s funds, failure to file required reports or accountings, etc.).	Department of Business and Industry/Financial Institutions Division	Statewide: 702-486-4120
Concern with the condition of, or treatment at, nursing facility, assisted living facility, licensed group home, memory care center, community based living arrangements (residential arrangement for individuals with mental health disorders), Intermediate Care Facility for Individuals with Intellectual Disability (ICF/IID).	Division of Public and Behavioral Health/Health Care Quality Control	http://dpbh.nv.gov/Reg/HealthFacilities/dta/Complaints/HCQC-Complaint-Form/
Concerns with the condition of, or treatment at, a supported living arrangement (living arrangement for individuals with intellectual disability).	Nevada Aging and Disability Services/Developmental Services/Desert Regional Center (DRC), Sierra Regional Center (SRC), Rural Regional Center (RRC)	Clark County (DRC): 775-486-6200 Washoe County (SRC): 775-688-1930 All other areas (RRC): 775-687-5162

LESS COMMON LIVING ARRANGEMENTS AND DEFINITIONS

Type	Definition
Community Based Living Arrangement	These are flexible, individualized services, including without limitations, training and habilitation services that are provided in the home, for compensation, to persons with mental illness or person with developmental disabilities provided by the Division of Public and Behavioral Health, and designed and coordinated to assist such persons in maximizing their independence. These arrangements are certified through the Division of Public and Behavioral Health.
Intermediate Care Facility for Individuals with Intellectual Disability (ICF/IID)	An ICF/IID is an institutionalized setting for individuals with intellectual disabilities. These facilities are licensed through the Division of Public and Behavioral Health.
Supported Living Arrangements	Supported living arrangement services means flexible, individualized services provided in the home, for compensation, to a person with an intellectual disability or a person with a related condition who is served by Aging and Disability Services Division that are designed and coordinated to assist the person in maximizing their independence, including, without limitation, training and habilitation services. These arrangements are provided on a continuum, up to 24 hours per day and are certified by Nevada Developmental Services.