

Nevada Supreme Court Fights Potential Guardianship Fraud

By Chief Justice Michael L. Douglas

In 2015, concerns about guardianship mismanagement and fraud prompted the Supreme Court of Nevada to review how Nevada courts create guardianships, provide accountability, and comply with NRS 159. Work of the Commission to Study the Administration of

Guardianships in Nevada's Courts led to creation of the Nevada Guardianship Compliance Office (GCO), a Guardianship Bill of Rights, and other reforms enacted by legislation.

At the time, there were several critical problems in guardianships. The statewide commission was chaired by Justice James Hardesty, and it found a critical need in assisting the district courts in compliance and monitoring of guardianships. The GCO took effect January 1, 2018, and the Administrative Office of the Courts (AOC) worked quickly to hire Manager Kathleen McCloskey, an investigator and a financial forensic specialist for the office.

Based in Carson City, the GCO can assist district courts by effectively monitoring guardianships at no charge. The goal is to help the courts protect Nevada's vulnerable citizens.

In March, the GCO rolled out a toll-free guardianship fraud hotline. Individuals suspecting guardianship fraud may call (833) 421-7711. The number alerts the GCO to review suspicious guardianships using investigation techniques and financial tools.

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The GCO will provide district courts with an initial compliance review of guardianship cases, which includes a review of the file, annual reports, annual accountings, and inventories submitted by the guardian. Staff can provide a report defining compliance data and advise a court on how to address compliance. The GCO also is available to assist with execution of the plan.

The GCO, at the request of a district court, can also conduct investigations after the initial petition for guardianship. This may include conducting home visits to determine if the guardianship is in the best interests of the proposed protected person. A district court may also request a GCO investigator to evaluate financial records, fee requests, and other petitions/motions that the judge feels need further investigation. This is an important step because it ensures compliance with NRS 159 and reduces the uncertainty of the need for a guardianship or conservatorship.

Finally, the GCO will work in the community to provide trainings on guardianship compliance, protected person's rights, detection of fraud and exploitation, and other issues pertaining to guardianship in Nevada. For more information, contact the GCO at (775) 684-1782 or NVGCO@nvcourts.nv.gov. 

Chief Justice Michael L. Douglas, a native of Los Angeles, came to Las Vegas in 1982 from Philadelphia, Penn., where he had been working as a private attorney. His Nevada career began as an attorney with Nevada Legal Services in 1982. Chief Justice Douglas was appointed to the Court in March 2004, and subsequently elected three times. A graduate of California State College, Long Beach, in 1971 and the University of California Hastings College of the Law in 1974, Chief Justice Douglas is the first African-American Justice in Nevada's history.

