

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE
GUARDIANSHIP OF THE PERSON
AND ESTATE OF ELIZABETH DAVIS
AND WATTS DAVIS.

WATTS DAVIS,
Appellant,

vs.

NEVADA CARE MANAGEMENT, INC.,
Respondent.

No. 44410

FILED

JUL 12 2006

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order appointing the respondent as guardian of the appellant's wife. Eighth Judicial District Court, Family Court Division, Clark County; Robert W. Lueck, Judge.

Appellant Watts Davis argues that the district court made three errors in granting respondent Nevada Care Management's (NCM's) petition for guardianship of Watts' wife, Elizabeth: (1) ordering the release of \$10,000 for expenses and \$2,500 for attorney fees in appointing NCM temporary guardian; (2) permitting the guardianship commissioner to conduct the general guardianship hearing in lieu of an evidentiary hearing by the guardianship judge; and (3) issuing an order for a blocked account instead of a bond, while ordering a \$7,000 release for expenses and a \$500 release for fees.¹ We disagree.²

¹As the parties informed us at oral argument, a petition for an accounting has been filed and set for a hearing in district court. Thus, we decline to decide Watts' arguments relating to the monetary aspects of this case as they are not appropriately before us.

NRS 159.0615(1) states, in pertinent part, that “[i]f the court determines that a person may be in need of a guardian, the court may order the appointment of a master of the court . . . to conduct a hearing to identify the person most qualified and suitable to serve as guardian for the proposed ward.” Additionally, EDCR 5.93 allows the guardianship judge to refer “contested matters to the guardianship commissioner or another master appointed by the judge, for hearing and report.”

Here, the district court did not enter its order appointing the guardianship commissioner over the matter until after the hearing on the petition for general guardianship. Under the harmless error standard, no error, defect, or omission by the court or parties is ground for disturbing an order, save an error affecting the substantial rights of the parties.³ So long as it is within the parameters of the rules, a trial court’s discretion on procedural matters will not be disturbed “[a]bsent an abuse of discretion and/or substantial prejudice to the complaining parties’ rights.”⁴

We conclude that the district court’s error was harmless. Watts conceded at oral argument that Elizabeth needed a guardian, and Watts himself had not filed a petition for guardianship at the time of the hearing. Furthermore, Watts has not argued, and nothing can be inferred

... continued

²We assume that the parties are familiar with the facts and do not recite them further, except as necessary to discuss the disposition of the issues.

³NRCP 61; see also United Tungsten v. Corp. SVC., 76 Nev. 329, 331-32, 353 P.2d 452, 454 (1960).

⁴Zupancic v. Sierra Vista Recreation, 97 Nev. 187, 192-93, 625 P.2d 1177, 1180 (1981) (citing to NRCP 61).

from the record, that the deprivation of an evidentiary hearing substantially affected Watts' rights or otherwise caused him prejudice.

Accordingly, we

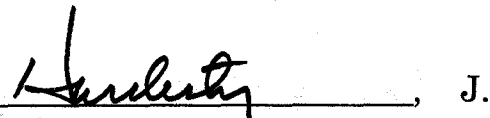
ORDER the judgment of the district court AFFIRMED.

 J.

Maupin

 J.

Gibbons

 J.

Hardesty

cc: Eighth Judicial District Court Dept. E, District Judge, Family Court
Division
E. Paul Richitt Jr., Settlement Judge
Edward M. Goergen
Bolick & Boyer
Lee A. Drizin
Clark County Clerk