

Clark County Commissioners demand answers from Guardianship Court

By Kean Bauman. CREATED Apr 21, 2015

Las Vegas, NV (KTNV) -- Appalling, frightening and plagued by problems. That's how county commissioners described our Family Court Guardianship system in a first-of-its kind hearing Tuesday morning.

It comes in the wake of a Contact 13 Investigation into alleged guardianship abuses.

"Ghandi once said, 'The measure of a society is how it treats the vulnerable.' You are failing the elderly in Clark County," Julie Belshe told commissioners during the public comment period of the meeting. Family members, concerned citizens and representatives from Las Vegas police and District Court painted what commissioners called a frightening picture of the system that's supposed to protect the most vulnerable.

"I'm a little concerned," said Commissioner Susan Brager. "I have a 96-year-old dad that seems very healthy to me, but I wouldn't want a guardian to get a hold of him."

When someone is deemed unable to take care of themselves, Family Court can make them a ward and appoint a private, for-profit guardian instead of allowing family members to care for their loved ones.

"Once a guardian has been appointed, they literally become that person," explained senior citizen advocate Rana Goodman. "They take over everything they own. Their bank account, their trust account, their stock portfolio, everything they have."

Elizabeth Indig said that's what happened to her mother.

"And she should be at home," Indig addressed the County Commissioners fighting back tears. "She had a home. She had her things. Every time I visit her she says either, bring her home or kill her."

In 2012, Indig said her mother fell in her driveway, went to the hospital and then to a rehab facility before she was supposed to come home. "With no notification or discussion, a woman named April Parks was granted guardianship of my mother by Commissioner Jon Norheim with nobody in attendance because I, the only daughter, was never served and had no idea of the hearing," Indig explained.

There are 8,650 guardianship cases in Clark County. Between 2,500-3,000 of them are active. All are being heard by one man, Hearing Master Jon Norheim. Police have been getting complaints about how Norheim deals with family members.

"He ignores their testimony or doesn't allow them to speak. He won't hold evidentiary hearings," Lt. James Weiskopf told the county leaders. "And then he makes a ruling and it goes to a private guardian." Homes can be sold for pennies on the dollar. Private guardians can drain wards' bank accounts. And there's no oversight aside from Family Court Chief Judge Charles Hoskin.

"And the complaints we get from the citizens is that Judge Hoskin will rubber stamp it and say Norheim made appropriate decisions or Judge Hoskin doesn't hear the family's complaint," Lt. Weiskopf said to commissioners.

Neither Norheim nor Hoskin attended the County Commission meeting. Commissioner Susan Brager called them, "Little gods making decisions they shouldn't."

District Court Chief Judge David Barker acknowledged long-standing problems with the guardianship system.

"We need to make sure we can identify those who are most vulnerable, protect them and hold those who might be taking advantage of them to account," said Judge Barker before the commissioners.

Commissioner Chris Giunchigliani said abusive private guardians need to be prosecuted and family members and finances returned to their loved ones.

County leaders also said based on what they've heard, Guardianship Commissioner Norheim needs to go.

"A lot of them didn't realize this was going on and yeah, I think something's finally going to be done," said senior advocate Goodman. Commissioner Chairman Steve Sisolak will create a blue ribbon panel to audit guardianship cases. And Chief Judge Barker is working to get a Guardianship Compliance Officer to independently review cases and help frustrated family members.

District Court provided this statement in response to the issues raised in Tuesday's meeting:

The Eighth Judicial District Court takes the concerns raised today regarding the handling of guardianship cases very seriously. The court will take a judicious approach to look at all the facts of the issues raised and then respond accordingly. We look forward to participation with the blue ribbon panel to bring the handling of these cases in line with the National Association for Court Management's best practices. Guardianship cases can be highly contentious, emotional and difficult when attempting to reach amicable terms for all parties. The court follows the law to give preference to rely on family members to serve as guardians; but, each case has to be considered in light of what is in the best interest of the ward. A family has the recourse of appeal to the Nevada Supreme Court if they disagree with decisions made in guardianship cases.

We look forward to the swift approval of the requested guardian compliance administrator who will implement the best practices as outlined by the National Association for Court Management.

Judge David Barker attended the open hearing today. As the chief judge, he is entrusted with the responsibility to handle matters of concern with the court. Judge Barker is committed to ensuring clarity and instilling public trust in the process of handling guardianship cases. The court respects the input the METRO lieutenant provided today and we look forward to further dialogue with METRO on insight that they can provide.

Protecting those impacted by intellectual disabilities and diseases associated with aging is essential to the well-being of our families and community in Clark County. The court will continue to pursue avenues and resources to develop solutions and improve the handling of guardianship cases.