

**NCSC**



**NEVADA  
GUARDIANSHIP  
DECISION TOOL**



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# HOW TO USE THIS TOOL



## **Areas of Concern**

Identify specific areas where the person may need support or assistance.



## **Additional Considerations**

Provide context and background information relevant to the situation.



## **Addressing Alternatives**

Evaluate support options and alternatives based on the identified concerns.



## **Get Started**

Note: This tool is designed to assist in the evaluation process and should not replace professional legal, medical, or social work consultation. For complex situations, please consult with qualified professionals.

# ABOUT THIS TOOL

This tool helps people understand options before asking a court for a guardianship.

## WHAT THIS MEANS

- Guardian of the Person: the court appoints a guardian to make personal decisions for a person (like health care or where they live).
- Guardian of the Estate: the court appoints a conservator to make financial decisions for a person (like selling property or paying bills).

## WHY THIS MATTERS

Guardianships

- take away a person's legal rights to make decisions.
- are sometimes needed, but they should only be used when no other option works.
- should only cover the specific things the person cannot do. Many people can make some decisions but need help with others.

If you or someone you care for already has a guardianship and you would like to learn about other options please visit [Finding the Right Fit](https://ejl.courtllms.org/) at <https://ejl.courtllms.org/>. Finding the Right Fit provides more information about guardianship and conservatorship options.

## WHEN TO USE THIS TOOL

Use this tool before filing a petition for guardianship to find other options that protect a person's independence and still give the support they need.

This tool is designed for:

- Anyone thinking about a guardianship for themselves
- Family members concerned about a loved one's ability to make decisions
- Healthcare professionals seeking appropriate care coordination solutions
- Education professionals helping families navigating the transition to adulthood for their children with intellectual or developmental disabilities
- Anyone who wants to support someone's independence while ensuring their safety and well-being



# AREAS OF CONCERN

Please identify all areas of concern.

## Thinking, Memory and Communication

- ☐ Memory problems
- ☐ Concentration
- ☐ Wandering or getting lost
- ☐ Aggressive behavior
- ☐ Sudden severe confusion/delusion
- ☐ Diagnosis of dementia
- ☐ Intellectual or developmental disability
- ☐ Making decisions
- ☐ Communicating decisions
- ☐ Carrying out decisions (with or without assistance)

## Medical Treatment and Discharge Planning

- ☐ Understanding and agreeing to medical care (including end-of-life care)
- ☐ Agreeing/ consenting to treatment
- ☐ Following a treatment plan
- ☐ Safe discharge or transfer from hospital or care center
- ☐ Rejection of needed care

## Finance and Benefits

- ☐ Access to financial and other records
- ☐ Applying for benefits (such as Medicaid)
- ☐ Spend down options for benefit eligibility
- ☐ Paying bills or managing income
- ☐ Prior episodes of financial exploitation or scams

## Mental Health

- ☐ Severe depression
- ☐ Severe anxiety
- ☐ Hallucinations
- ☐ Delusions
- ☐ Impulsive behaviors
- ☐ Substance abuse
- ☐ Hoarding
- ☐ Admission to a mental health facility

## Risk of Abuse/Neglect/ Exploitation/Self-Harm

- ☐ Staying safe from abuse/neglect/self-harm/exploitation
- ☐ Recognizing potential danger/responding to emergencies
- ☐ Understanding of care needs
- ☐ Prior episodes of abuse, neglect, exploitation, and/or self-harm

# ADDITIONAL CONSIDERATIONS

Please check any additional considerations that provide more information about the person's situation. These are not reason for guardianship, but help provide a complete picture of the person and their needs and desires.

## Health Conditions

- ☐ Difficulty moving around/walking
- ☐ Frequent falls
- ☐ Pain
- ☐ Weakness
- ☐ Trouble controlling bladder/bowels
- ☐ Legally blind
- ☐ Hearing impaired
- ☐ Need for adaptive equipment (assistive devices such as a walker/cane/wheelchair)

## Basic Activities of Daily Living

- ☐ Eating/feeding
- ☐ Dressing (picking appropriate clothes and putting them on)
- ☐ Personal hygiene
- ☐ Using the toilet appropriately

## Social Connectedness

- ☐ Limited contact with family/friends/community
- ☐ Recent relocation/moving
- ☐ Recent loss of significant relationship
- ☐ Lack of significant long-term relationships/attachments

## Instrumental Activities of Daily Living

- ☐ Trouble managing own care
- ☐ Meal preparation/adequate nutrition
- ☐ House cleaning and home maintenance
- ☐ Shopping
- ☐ Managing medications
- ☐ Planning and managing transportation
- ☐ Difficulty with or problematic internet use
- ☐ Managing communication with others (telephone, mail, email)

## Values and Preferences

- ☐ Importance of religious/cultural/spiritual influences
- ☐ Insistence on family care
- ☐ Pets (Can include concern for pet care or reluctance to part with pet)
- ☐ Preference to age-in-place/stay in their home

# ASSESSING ALTERNATIVES

## THINKING, MEMORY, AND COMMUNICATION

If you selected one or more concerns in the “Thinking, Memory, and Communication” box above, explore the alternatives below.

### Caregiver Support- family/friends or hired

A trusted family member, friend, or hired caregiver can help with daily tasks and assist with decision-making. This support lets the person remain independent while staying safe.

Have you tried this alternative? ☐ Yes ☐ No

If yes, describe why the alternative did not work in your situation:

---

If no:

Why consider this:

This is often the least restrictive alternative and helps maintain relationships and personal independence. In considering this alternative also consider respite care for family member caregivers.

Helpful resources:

- [Nevada Care Connection Resources: - State resources for caregiver support](#)
- [Assistance for families meeting Federal Poverty Guidelines: - ADSD Family Support Program](#)
- [Senior Respite Care: - Statewide respite care information](#)
- [Senior Respite Care Vouchers: - Voucher program for respite services](#)
- [Disability Respite Care: - Respite resources for individuals with disabilities](#)

### Home or community-based services

These are professional services that come to a person's own home or community setting. They help with daily living tasks, nursing services, and case management.

Have you tried this alternative? ☐ Yes ☐ No

If yes, describe why the alternative did not work in your situation:

---

If no:

Why consider this:

These services allow the person to remain in familiar surroundings while receiving necessary support, often at a lower cost than institutional care

Helpful resources:

- [Nevada Department of Human Services Aging and Disability Services Division](#)
- [Nevada 211 In-Home Assistance: - Directory of in-home support services](#)

# ASSESSING ALTERNATIVES

## THINKING, MEMORY, AND COMMUNICATION

If you selected one or more concerns in the “Thinking, Memory, and Communication” box above, explore the alternatives below.

### Memory Aids

Tools and strategies to help with memory and decision-making. This could be calendars, medication reminders, written instructions, or special apps or devices.

Have you tried this alternative? ☐ Yes ☐ No

If yes, describe why the alternative did not work in your situation:

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If no:

Why consider this:

Simple supports can significantly improve a person's ability to manage independently and may eliminate the need for more restrictive options.

Helpful resources:

- [Memory Aids Guide from CICOA: - Practical tools for memory support](#)

### Supported Decision-Making (SDM)

SDM is a way for people to make their own choices with help from people they trust. The supporters can be friends, families, or others to help them understand options, review pros and cons, and communicate decisions. The individual and supporters create a supported decision-making agreement.

Have you tried this alternative? ☐ Yes ☐ No

If yes, describe why the alternative did not work in your situation:

---

If no:

Why consider this:

A SDM agreement helps the person maintain independence. Check to see if your state has any laws regarding SDM agreements, but you can use SDM even if there is not a specific law.

Helpful resources:

- [NV SDM Worksheet and Info: - Nevada-specific supported decision-making tools](#)
- [SDM Nevada: - Supported Decision-Making resources in Nevada](#)

# ASSESSING ALTERNATIVES

## RISK OF ABUSE/NEGLECT/EXPLOITATION/SELF-HARM

If you selected one or more concerns in the “Prior Episodes of Abuse/Neglect/Self-Harm” box above, explore the alternatives below.

### Caregiver Support- family/friends or hired

A trusted family member, friend, or hired caregiver can help with daily tasks and assist with decision-making. This support lets the person remain independent while staying safe.

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### Home or community-based services

These are professional services that come to a person's own home or community setting. They help with daily living tasks, nursing services, and case management.

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If no:

Why consider this:

These services allow the person to remain in familiar surroundings while receiving necessary support, often at a lower cost than institutional care

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- [Nevada 211 In-Home Assistance: - Directory of in-home support services](#)

# ASSESSING ALTERNATIVES

## RISK OF ABUSE/NEGLECT/EXPLOITATION/SELF-HARM

If you selected one or more concerns in the “Prior Episodes of Abuse/Neglect/Self-Harm” box above, explore the alternatives below.

### Supported Decision-Making (SDM)

SDM is a way for people to make their own choices with help from people they trust. The supporters can be friends, families, or others to help them understand options, review pros and cons, and communicate decisions. The individual and supporters create a supported decision-making agreement.

Have you tried this alternative? ☐ Yes ☐ No

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If no:

Why consider this:

A SDM agreement helps the person maintain independence. Check to see if your state has any laws regarding SDM agreements, but you can use SDM even if there is not a specific law.

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- [SDM Nevada: - Supported Decision-Making resources in Nevada](#)

# ASSESSING ALTERNATIVES

## MEDICAL TREATMENT AND DISCHARGE PLANNING

If you selected one or more concerns in the “Medical Treatment and Discharge Planning” box above, explore the alternatives below.

### Advance Directive for Healthcare/Healthcare Power of Attorney (POA)

A legal document that allows a person to say what kind of medical care they want or don't want. It also allows a person to choose a person to make medical decisions for them if they are not able.

Have you tried this alternative? ☐ Yes ☐ No

If yes, describe why the alternative did not work in your situation:

---

If no:

Why consider this:

This allows a person to make choices and ensures their wishes are respected while providing clear guidance for healthcare providers and family members.

Helpful resources:

- [Requirements for Advanced Directive: - Advance directive requirements \(NV\)](#)
- [Nevada Lockbox \(for filing\): - Advance directive filing portal](#)
- [Healthcare POA Form from DCFS: - Durable Power of Attorney for Health Care](#)
- [NV Caregivers Healthcare Power of Attorney Form: - Healthcare POA template \(NV Caregivers\)](#)
- [Form From NRS 162A.860: - Statutory Healthcare POA form \(NV\)](#)
- [POA for individuals with intellectual disabilities](#)

### Living Will

A document with wishes and instructions for future medical treatment.

Have you tried this alternative? ☐ Yes ☐ No

If yes, describe why the alternative did not work in your situation:

---

If no:

Why consider this:

This ensures a person's wishes are followed for medical procedures, and can prevent unwanted or unnecessary treatment.

Helpful resources:

- [Form for designated person: - Living will designating a person](#)
- [Form designating healthcare practitioner: - Living will directing a physician](#)
- [Nevada Lockbox \(for filing\): - Advance directive filing portal](#)



# ASSESSING ALTERNATIVES

## MEDICAL TREATMENT AND DISCHARGE PLANNING

If you selected one or more concerns in the “Medical Treatment and Discharge Planning” box above, explore the alternatives below.

### Surrogate Decision-Maker

A trusted person chosen to make medical decisions for a person when they can't speak for themselves. If an adult does not have an advance directive (including health care power of attorney), another individual may be asked to provide consent to medical procedures on their behalf. Alternatively, a surrogate decision-maker may be formalized through a health care power of attorney.

Have you tried this alternative? ☐ Yes ☐ No

If yes, describe why the alternative did not work in your situation:

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If no:

Why consider this:

This ensures someone who knows the person well can make decisions in their best interest without the need for court involvement.

Helpful resources:

- [Healthcare POA Form from DCFS: - Durable Power of Attorney for Health Care](#)
- [Nevada Lockbox \(for filing\): - Advance directive filing portal](#)
- [American Bar Association Making Medical Decisions for Someone Else: - ABA guide for proxy decision-making](#)
- [POA for individuals with intellectual disabilities](#)

### Medical/Physician Order for Life-Sustaining Treatment (MOLST/POLST)

An order from your physician, nurse practitioner, or physician assistant that says which treatments a person does or does not want to keep them alive (for example, breathing machines or feeding tubes). This is helpful for emergency workers and other healthcare providers

Have you tried this alternative? ☐ Yes ☐ No

If yes, describe why the alternative did not work in your situation:

---

If no:

Why consider this:

This provides immediate guidance to medical professionals and can prevent unwanted medical treatments during emergencies.

Helpful resources:

- [Nevada POLST for patients/families: - Patient/family POLST information \(NV\)](#)

# ASSESSING ALTERNATIVES

## FINANCE AND BENEFITS

If you selected one or more concerns in the “Finance and Benefits” box above, explore the alternatives below.

### Financial Power of Attorney

A legal document that allows a person to name someone to manage their finances and make financial decisions on their behalf.

Have you tried this alternative? ☐ Yes ☐ No

If yes, describe why the alternative did not work in your situation:

---

If no:

Why consider this:

This is less restrictive than guardianship and can be limited to specific financial matters while allowing other rights and freedoms.

Helpful resources:

- [Form from Nevada Caregivers: - Durable POA for financial matters](#)

### Authorized representative for medical assistance

A person chosen to help apply for medical assistance and to talk with healthcare programs, doctors, and insurance companies on their behalf.

Have you tried this alternative? ☐ Yes ☐ No

If yes, describe why the alternative did not work in your situation:

---

If no:

Why consider this:

This ensures benefits are maintained and medical needs are met without requiring broad financial guardianship.

Helpful resources:

- [Form from DSS: - Designation of Authorized Representative](#)
- [Information from Medical Assistance Manual: - Medical Assistance overview \(NV DSS\)](#)

# ASSESSING ALTERNATIVES

## FINANCE AND BENEFITS

If you selected one or more concerns in the “Finance and Benefits” box above, explore the alternatives below.

### Social Security Agency (SSA) Representative Payee

An SSA-appointed individual who manages Social Security benefits for someone unable to manage these funds themselves.

Have you tried this alternative? ☐ Yes ☐ No

If yes, describe why the alternative did not work in your situation:

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If no:

Why consider this:

This protects essential income while allowing the person to maintain control over other financial matters and personal decisions. If a person has no or few assets, their only income is from SSA, and they have a representative payee, there is no need for a conservator

Helpful resources:

- [Social Security's Representative Payment Program: - SSA representative payee program](#)
- [U.S. Office of Personnel Management - Representative Payees: - OPM representative payee info](#)

### U.S. Department of Veterans Affairs (VA) Fiduciaries

VA-appointed individuals who manage veterans benefits for someone unable to manage these funds themselves.

Have you tried this alternative? ☐ Yes ☐ No

If yes, describe why the alternative did not work in your situation:

---

If no:

Why consider this:

This protects essential income while allowing the person to maintain control over other financial matters and personal decisions.

Helpful resources:

- [U.S. Department of Veterans Affairs Fiduciary Program: - VA fiduciary program information](#)
- [Nevada Achieving a Better Life Experience \(ABLE\) Program: - NV ABLE program](#)
- [ABLE National Resource Center: - ABLE national resources for NV](#)

# ASSESSING ALTERNATIVES

## FINANCE AND BENEFITS

If you selected one or more concerns in the “Finance and Benefits” box above, explore the alternatives below.

### Achieving Better Life Experience (ABLE) Accounts

Special savings accounts that allow people with certain disabilities to save money without losing eligibility for government benefits like Medicaid or SSI.

Have you tried this alternative? ☐ Yes ☐ No

If yes, describe why the alternative did not work in your situation:

---

If no:

Why consider this:

These accounts provide financial security and planning opportunities while maintaining access to essential government support programs. ABLE account funds can only be used for qualifying disability-related expenses.

Helpful resources:

- [Nevada Achieving a Better Life Experience \(ABLE\) Program: - NV ABLE program](#)
- [ABLE National Resource Center: - ABLE national resources for NV](#)

### Revocable Living Trust

A legal arrangement that names a trustee to manage and protect a person's money and property for their benefit.

Have you tried this alternative? ☐ Yes ☐ No

If yes, describe why the alternative did not work in your situation:

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If no:

Why consider this:

Allows a trustee to manage an individual's financial assets, but is more flexible than a guardianship and allows the individual to predetermine how the trust should operate. These arrangements can be ended or changed at any time.

Helpful resources:

- [NV211 Legal Assistance: - Nevada legal aid resources](#)

# ASSESSING ALTERNATIVES

## FINANCE AND BENEFITS

If you selected one or more concerns in the “Finance and Benefits” box above, explore the alternatives below.

### Special Needs Trust

A special needs trust moves ownership of property or money from a person to a trust.

Have you tried this alternative? ☐ Yes ☐ No

If yes, describe why the alternative did not work in your situation:

---

If no:

Why consider this:

This can allow someone with a disability to receive or keep certain income without losing eligibility for needs-based public benefits.

Helpful resources:

- [Informational Article from NV Bar Association: - Special Needs Trust planning \(NV Bar\)](#).
- [NV211 Legal Assistance: - Nevada legal aid resources](#)
- [SNA Administering a Special Needs Trust: - Handbook for SNT administrators](#)

### Joint Ownership

Two or more people owning money or property together, such as a joint bank account.

Have you tried this alternative? ☐ Yes ☐ No

If yes, describe why the alternative did not work in your situation:

---

If no:

Why consider this:

This allows someone else to access money and pay bills. It is only appropriate when there is no need for court oversight of resources.

Helpful resources:

- [Center for Elder Law and Justice: - POA and joint ownership info](#)
- [Elder Care Resource Planning: - Joint accounts impact on eligibility](#)

# ASSESSING ALTERNATIVES

## FINANCE AND BENEFITS

If you selected one or more concerns in the “Finance and Benefits” box above, explore the alternatives below.

### Order for Specific or Single Transaction

A court order that authorizes a particular financial action, such as selling a property or accessing financial records for an application for medical assistance

Have you tried this alternative? ☐ Yes ☐ No

If yes, describe why the alternative did not work in your situation:

---

If no:

Why consider this:

This is particularly appropriate if there is a one-time need.

Helpful resources:

- [NV211 Legal Assistance: - Nevada legal aid resources](#)

# ASSESSING ALTERNATIVES

## MENTAL HEALTH

If you selected one or more concerns in the “Mental Health” box above, explore the alternatives below.

### Psychiatric Advance Directive

A legal document that lets a person say what mental health care they want. It can list medicines they prefer, treatments to avoid, and how to be handled in a crisis.

Have you tried this alternative? ☐ Yes ☐ No

If yes, describe why the alternative did not work in your situation:

---

If no:

Why consider this:

This ensures the person's treatment preferences are known and respected during mental health crises when they may not be able to communicate effectively.

Helpful resources:

- [Form & FAQ: - Psychiatric Advance Directive \(form and FAQ\)](#).

### Mental Health Power of Attorney

A legal document that designates someone to make mental health treatment decisions when the person is unable to do so due to their mental health condition.

Have you tried this alternative? ☐ Yes ☐ No

If yes, describe why the alternative did not work in your situation:

---

If no:

Why consider this:

This provides a less restrictive alternative to guardianship while ensuring someone trusted can make necessary treatment decisions during crises.

Helpful resources:

- [NV Division of Public and Behavioral Health Guide and Form: - Psych AD guide and form \(NV DPBH\)](#).



# ASSESSING ALTERNATIVES

## MENTAL HEALTH

If you selected one or more concerns in the “Mental Health” box above, explore the alternatives below.

### Peer Support Services

Support provided by individuals who have personal experience with mental health challenges and can offer guidance, encouragement, and practical assistance.

Have you tried this alternative? ☐ Yes ☐ No

If yes, describe why the alternative did not work in your situation:

---

If no:

Why consider this:

Peer support has been shown to improve recovery outcomes and can provide valuable assistance with daily decisions and life management.

Helpful resources:

- [NAMI NV: - National Alliance on Mental Illness Nevada](#)
- [NV Warmline Phone Service: - Warmline support resource \(NV\)](#)

### Crisis Intervention Planning

A collaborative process to develop a plan for responding to mental health crises, including early warning signs, preferred interventions, and emergency contacts.

Have you tried this alternative? ☐ Yes ☐ No

If yes, describe why the alternative did not work in your situation:

---

If no:

Why consider this:

Proactive planning can prevent crises from escalating and reduce the need for emergency interventions or involuntary commitments.

Helpful resources:

- [NAMI Crisis Guide: - Preparing for a mental health crisis](#)

# ASSESSING ALTERNATIVES

## MENTAL HEALTH

If you selected one or more concerns in the “Mental Health” box above, explore the alternatives below.

### Voluntary Treatment Agreements

Agreements between the person and mental health providers that outline treatment goals, responsibilities, and expectations for voluntary participation in care.

Have you tried this alternative? ☐ Yes ☐ No

If yes, describe why the alternative did not work in your situation:

---

If no:

Why consider this:

These agreements promote collaboration and shared decision-making while ensuring consistent access to mental health support.

Helpful resources:

- [Nevada State Department of Health and Human Services: - Info on involuntary holds in NV](#)
- [Nevada 211 Mental Health Care Services: - Emergency mental health services \(NV 211\)](#)

### Family Therapy or Counseling Support

Professional counseling that includes family members to improve communication, resolve conflicts, and develop strategies for supporting the person's mental health and independence.

Have you tried this alternative? ☐ Yes ☐ No

If yes, describe why the alternative did not work in your situation:

---

If no:

Why consider this:

Family support can be crucial for mental health recovery and may eliminate the need for more formal interventions while strengthening relationships.

Helpful resources:

- [Nevada 211 Group and Family Counselors: - Counseling resources in Nevada](#)

This documents that alternatives to guardianship have been considered and/or attempted. The alternatives listed above should be thoroughly explored before determining that guardianship is necessary. This summary document can assist the court in evaluating whether less restrictive alternatives might meet the individual's needs.

This report is based on information provided during the assessment and is intended to assist in making informed decisions about guardianship alternatives.