

TRUST & PROBATE LITIGATION NAVIGATOR

HUTCHISON & STEFFEN
ATTORNEYS

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Jennifer M.K. Willis is Senior Counsel with the Firm, practicing in family law, asset protection and business planning, and trust and probate litigation. Jennifer and other attorneys at the Firm work closely with clients' trust and estate planning professionals to maximize clients' opportunities for successful resolution of disputes.

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GUARDIANSHIP LITIGATION

"My sister has taken over our elderly mother's life and now she won't let anyone see her. I called Adult Protective Services, and they did nothing to help." "My stepson had my husband sign a power of attorney and now all of our money is gone and I don't have the money to pay my bills. My husband has dementia and I don't think the power of attorney is valid." "My brother has schizophrenia and he's living in squalor and wasting all of his money without realizing what he's doing." As loved ones fall victim to the ravages of aging and mental illness, it is too often the case that they also fall prey to their own unknowing harmful actions or to individuals who see an opportunity to line their pockets. In every instance, concerned friends and family question, "What can I do?"

In many instances, the only recourse to assist vulnerable adults (called the "protected person" in Nevada's statutes) who are victim to mistreatment, isolation, exploitation, or even their own unknowingly harmful actions, is to seek appointment of a guardian. This may be the case even for a person who has completed

powers of attorney and other estate planning, as those powers of attorney may be invalid, ineffective, or the agent acting under the power of attorney may be the one who is exploiting the protected person. Where overworked and understaffed agencies, such as the police and Adult Protective Services, may not have the resources or ability to identify and correct an exploitive or unsafe situation, Nevada's guardianship courts can help. An order of guardianship will name one person – vetted by the Court – to act on the protected person's behalf for financial matters, health matters, and in determining an appropriate living situation.

Navigating the process of obtaining guardianship can be difficult and confusing – especially if the wrong-doer or the protected person makes gaining access to the information necessary to appoint a guardian difficult or impossible. The requirements to initiate a guardianship proceeding, including mandatory court forms, certificates of incapacity signed by a doctor, and personal service on the protected person, can be daunting. If the wrong-doer tries to fight



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to be appointed guardian or if the protected person chooses to fight the guardianship, the ensuing litigation can quickly become overwhelming.

Hutchison & Steffen's guardianship attorneys are well-versed in the legal requirements to obtain guardianship. They have the knowledge and experience to circumvent the efforts of wrong-doers and mentally incapacitated individuals alike to obtain the documents and information necessary to enable the Court to make a determination about capacity, and appoint a guardian who will act in the protected person's interest – rather than their own. With extensive experience in litigating guardianship cases, Hutchison & Steffen's seasoned trial advocates have the skills and resources to ensure that the Court receives the necessary information to protect the protected person, including expert medical testimony, financial information, and witness testimony and documentation evidencing mistreatment, isolation, manipulation, and capacity. ■



Hutchison & Steffen's attorneys aggressively represent clients in a wide range of trust and probate litigation before probate, district, and federal courts in trial and on appeal. The Firm has successfully resolved disputes both in and out of court, and is experienced in litigating and resolving issues regarding transfers of assets from a deceased's estate. Cases run the full spectrum from million-dollar will contests to smaller family disputes.



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- Alternative Dispute Resolution
- Appellate Litigation
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- Bankruptcy & Creditor's Rights
- Business Law & Commercial Litigation
- Condemnation Law
- Constitutional Law
- Construction Law
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- Criminal Law
- Election, Campaign, & Political Law
- Employment & Labor Law
- Family Law
- Healthcare Professionals Advocacy
- Human Resources Support
- Insurance Litigation
- Landlord/Tenant
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- Professional Liability Defense
- Public Entity Law
- Public Interest & Nonprofit Organizations
- Real Estate Law
- Tax Audits & Litigation
- Trust & Probate Litigation
- Worker's Compensation



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