

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

IN THE MATTER OF THE
GUARDIANSHIP OF THE PERSON
AND ESTATE OF CASEY ALLEN
PICKETT, A PROTECTED PERSON.

No. 81684-COA

CAROL PICKETT,
Appellant,

vs.

TRACEY BOWLES, WASHOE COUNTY
PUBLIC GUARDIAN; STEVEN
HOCKENBERRY, DEPUTY WASHOE
COUNTY PUBLIC GUARDIAN; CASEY
ALLEN PICKETT; AND SIERRA
REGIONAL CENTER,
Respondents.

FILED

JUL 13 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL IN PART AND AFFIRMING IN PART

Carol Pickett appeals various district court orders concerning a guardianship.¹ Second Judicial District Court, Washoe County; Egan K. Walker, Judge.

¹Because the district court order appointing the Guardianship Compliance Office and the order restricting visitation are not substantively appealable, *see* NRS 159.375 (identifying appealable orders in guardianship cases), we lack jurisdiction to consider Carol's appeals from those orders. Accordingly, we dismiss this appeal to the extent she seeks to challenge those decisions. *See Taylor Constr. Co. v. Hilton Hotels Corp.*, 100 Nev. 207, 209, 678 P.2d 1152, 1153 (1984) (noting that the appellate courts generally

Carol filed the instant matter below seeking to domesticate a Kansas judgment that appointed her as guardian of her adult son, Casey Allen Pickett's person and estate. Following Carol's initial application, the district court appointed Carol as guardian over Casey's person, and issued Carol permanent letters of guardianship. Casey is a 24-year-old adult male with health and behavioral concerns that require constant care and is currently residing in an intensive supported living arrangement supervised by respondent Sierra Regional Center (SRC). After several conflicts between Carol and the staff at Casey's current supported living arrangement over Casey's care and maintenance, Carol removed Casey from the provider home and relocated him to a relative's house without providing notice to the district court. Consequently, Washoe Legal Services, acting on behalf of Casey, filed emergency motions seeking to limit Carol's ability to relocate Casey.

At a subsequent hearing, the district court issued an order removing Carol as guardian of Casey, revoking her letters of guardianship, and appointing the Washoe County Public Guardian (WCPG) as the successor guardian of Casey's person and estate. In its order, the district court stated that Carol's removal was necessary, as she had violated NRS 159.0807 by removing Casey from two separate provider homes without notice to the court or other interested persons as required by the statute. See NRS 159.0807(3) and (4) (requiring the guardian to provide ten-day

have jurisdiction to consider an appeal only when authorized by statute or court rule).

notice to the court and all interested parties before changing his or her residence).

In subsequent orders, the district court expressed that it believed that Carol had a “dysfunctional engagement with care providers” that obstructed Casey’s receipt of critical services, as it considered evidence and testimony reflecting that several service providers had quit due to increasing conflicts with Carol. Further, due to the contentious relationship between Carol and the service providers, the district court limited Carol’s ability to visit the provider home and her ability to contact Casey over the phone. The district court likewise appointed the State Guardianship Compliance Office to investigate Casey’s status as a protected person in other states, and to investigate Carol’s relationship with Casey’s previous service providers.² Carol now appeals.

On appeal, Carol argues that the district court abused its discretion when it removed her as Casey’s guardian and appointed WCPG as successor guardian of Casey’s person and estate.

²On appeal, Carol also challenges the propriety of the Guardianship Compliance Office contacting her ex-husband (Casey’s father), who had his parental rights terminated due to serious allegations of domestic violence, stating that his inclusion in this case creates safety concerns and is an invasion of privacy. However, Carol failed to request any relief regarding this situation below, and thus, there is no request for relief, or denial of the same, for us to address on appeal. We therefore decline to address this issue in the first instance. Nonetheless, nothing in this order should be construed as precluding the district court from addressing this issue upon the filing of an appropriate request for relief.

Absent an abuse of discretion, this court “will not disturb the district court’s exercise of discretion concerning guardianship determinations.” *In re Guardianship of L.S. & H.S.*, 120 Nev. 157, 163, 87 P.3d 521, 525 (2004). In addition, this court defers to the district court’s factual findings and must uphold them if they are not clearly erroneous and are supported by substantial evidence. *Ogawa v. Ogawa*, 125 Nev. 660, 668, 221 P.3d 699, 704 (2009). Substantial evidence “is evidence that a reasonable person may accept as adequate to sustain a judgment.” *Ellis v. Carucci*, 123 Nev. 145, 149, 161 P.3d 239, 242 (2007).

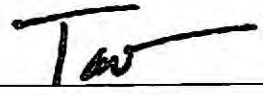
Under NRS 159.185, the district court may remove a guardian if it determines that “the guardian has violated any right of the protected person” identified in the chapter, NRS 159.185(g), or if it determines that “the best interests of the protected person will be served by the appointment of another person as guardian,” NRS 159.185(j).

Here, the district court determined that Carol had violated NRS 159.0807(3) and (4) by removing Casey from his provider home without notice to the court or other interested parties. Likewise, after considering the evidence and testimony presented by Carol and the service providers below, the district court found that Carol’s actions had substantially impacted Casey’s ability to receive proper care, and that his best interests would be served by the appointment of the WCPG to serve as successor guardian. After considering Carol’s informal brief and reviewing the record on appeal, we conclude that these findings were supported by substantial evidence. Accordingly, under these circumstances we conclude that the

district court did not abuse its discretion when it terminated Carol's guardianship and appointed WCPG as successor guardian and we therefore affirm the district court's decisions in this regard.

It is so ORDERED.³


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Egan K. Walker, District Judge
Carol Pickett
Attorney General/Carson City
Washoe Legal Services
Washoe County District Attorney
Washoe District Court Clerk

³Insofar as Carol raises arguments that are not specifically addressed in this order, we have considered the same and conclude that they either do not present a basis for relief or need not be reached given the disposition of this appeal.