

ASSEMBLY BILL NO. 436—ASSEMBLYMEN BERMAN, CARPENTER, LESLIE,  
NOLAN, SEGERBLOM, BEERS, GIBBONS, MARVEL, PRICE, OHRENSCHALL,  
VON TOBEL, MANENDO, COLLINS, PARKS, ARBERRY, BACHE, BUCKLEY,  
TIFFANY, HETTRICK, BROWER  
AND HUMKE

MARCH 10, 1999

Referred to Committee on Judiciary

SUMMARY—Revises provisions regarding visitation rights of grandparents. (BDR 11-1219)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to children; expanding the rights of grandparents with regard to visitation with a minor child; expanding the factors for consideration by a court in determining whether to grant visitation to grandparents and certain other relatives of a minor child; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE  
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1     **Section 1.** NRS 125A.330 is hereby amended to read as follows:  
2     125A.330 1. Except as otherwise provided in subsection ~~2.~~ **3**, if a  
3     parent of an unmarried minor child is deceased or divorced or separated  
4     from the parent who has custody of the child, or his parental rights have  
5     been relinquished or terminated, the district court in the county in which  
6     the child resides may grant to the grandparents, ~~parents~~ and other  
7     children of either parent of the child a reasonable right to visit the child  
8     during his minority, if the court finds that the visits would be in the best  
9     interests of the child ~~in accordance with subsection 2.~~  
10    **2.** In determining whether to grant this right to a petitioner, the court  
11    shall consider:  
12    (a) The love, affection and other emotional ties existing between the  
13    party seeking visitation and the child.  
14    (b) The capacity and disposition of the party seeking visitation to:

1 (1) Give the child love, affection and guidance ~~§~~ *and serve as a role*  
2 *model to the child;*

3 (2) Cooperate in providing the child with food, clothing and other  
4 material needs during visitation; and

5 (3) Cooperate in providing the child with health care or alternative  
6 care recognized and permitted under the laws of this state in lieu of health  
7 care.

8 (c) The prior relationship between the child and the party seeking  
9 visitation ~~§~~, *including, without limitation, whether the child resided*  
10 *with the party seeking visitation and whether the child was included in*  
11 *holidays and family gatherings with the party seeking visitation.*

12 (d) The moral fitness of the party seeking visitation.

13 (e) The mental and physical health of the party seeking visitation.

14 (f) The reasonable preference of the child, if the child has a preference,  
15 and if the child is determined to be of sufficient maturity to express a  
16 preference.

17 (g) The willingness and ability of the party seeking visitation to  
18 facilitate and encourage a close and continuing relationship between the  
19 child and the parent or parents ~~§~~ *of the child as well as with other*  
20 *members of the child's family, including, without limitation, cousins,*  
21 *grandparents, great-grandparents and aunts and uncles.*

22 (h) The medical and other needs of the child related to health as  
23 affected by the visitation.

24 (i) *The support provided by the party seeking visitation, including,*  
25 *without limitation, whether the party has contributed to the financial*  
26 *support of the child.*

27 (j) Any other factor considered relevant by the court to a particular  
28 dispute.

29 ~~§2-1~~ 3. If the parental rights of either or both natural parents of a child  
30 are relinquished or terminated, and the child is placed in the custody of a  
31 public agency or a private agency licensed to place children in homes, the  
32 district court in the county in which the child resides may grant to the  
33 grandparents, parents and other children of either parent a reasonable right  
34 to visit the child during his minority if a petition therefor is filed with the  
35 court before the date on which the parental rights are relinquished or  
36 terminated. In determining whether to grant this right to a petitioner, the  
37 court must find that the visits would be in the best interests of the child in  
38 light of the considerations set forth in subsection 1.

39 ~~§3-1~~ 4. Rights to visit a child may be granted:

40 (a) In a divorce decree;

41 (b) In an order of separate maintenance; or

(c) Upon a petition filed by an eligible person after a divorce or separation or after the death of the parent to whom the person was related, or upon the relinquishment or termination of a parental right.

~~{4.}~~ 5. Termination of the parental rights of a parent who is divorced or separated also terminates any rights previously granted pursuant to subsection 1, unless the court finds that visits by those persons would be in the best interests of the child.

~~{5.}~~ 6. For the purposes of this section, "separation" means a legal separation or any other separation of a married couple if the couple has lived separate and apart for 30 days or more and has no present intention of resuming a marital relationship.

**Sec. 2.** NRS 125A.340 is hereby amended to read as follows:

125A.340 1. Except as otherwise provided in subsection ~~{2}~~ 3 of NRS 125A.330, *if* a ~~{grandparent or parent of either}~~ parent of an unmarried minor child ~~{if:~~

~~1. One parent of the minor child is} :~~

~~(a) Is~~ deceased, divorced or separated from the other parent; ~~{or~~

~~2. The}~~

~~(b) Where the parent was not legally married to the other parent with whom he was cohabiting, is separated from the other parent; or~~

~~(c) Has relinquished his~~ parental rights ~~{of either parent}~~ *or his parental rights* have been terminated,

~~{may visit}~~ *the district court in the county in which the child resides shall grant to the parents of either parent of the child a reasonable right to visit the child during the child's minority and spend sufficient time with the child to establish a meaningful relationship, if the court determines that visitation is in the best interests of the child { }, in accordance with subsection 2 of NRS 125A.330.*

2. *Termination of the parental rights of a parent who is divorced or separated also terminates any rights previously granted pursuant to subsection 1, unless the court finds that visits by those persons would be in the best interests of the child.*

3. *Rights to visit a child may be granted pursuant to this section:*

*(a) In a divorce decree;*

*(b) In an order of separate maintenance; or*

*(c) Upon a petition filed by an eligible person:*

*(1) After a divorce or separation or after the death of the parent to whom the person was related, or upon the relinquishment or termination of a parental right.*

*(2) If the parents of the child were not legally married and were cohabiting, after the separation of the parents of the child.*

4. For the purposes of this section, "separation" means:

1     *(a) A legal separation or any other separation of a married couple if*  
2     *the couple has lived separate and apart for 30 days or more and has no*  
3     *present intention of resuming a marital relationship; or*  
4     *(b) If a couple was not legally married but cohabiting, a separation of*  
5     *the couple if the couple has lived separate and apart for 30 days or more*  
6     *and has no present intention of resuming cohabitation or entering into a*  
7     *marital relationship.*

8     **Sec. 3.** NRS 127.171 is hereby amended to read as follows:

9     127.171   1. In a proceeding for the adoption of a child, the court may  
10    grant a reasonable right to visit to certain relatives of the child only if a  
11    similar right had been granted previously pursuant to NRS 125A.330 ~~or~~ *or*  
12    125A.340.

13    2. The court may not grant a right to visit the child to any person other  
14    than as specified in subsection 1.

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