

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—Makes various changes concerning granting rights to visitation with child to persons other than parents of child. (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; making various changes concerning granting rights to visitation with a child to persons other than the parents of the child; repealing a duplicative provision concerning the rights of grandparents to visitation with a 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~~ :
4 **(a) Is deceased;**
5 **(b) Is** divorced or separated from the parent who has custody of the
6 child ~~1~~ ;
7 **(c) Has never been legally married to the other parent of the child, but**
8 **cohabitated with the other parent and is deceased or is separated from**
9 **the other parent; or**
10 **(d) Has relinquished** his parental rights **or his parental rights** have
11 been ~~relinquished or~~ terminated,
12 the district court in the county in which the child resides may grant to the
13 **great-grandparents and** grandparents ~~1, parents~~ **of the child** and **to** other
14 children of either parent of the child a reasonable right to visit the child

1 during his minority, if the court finds that the visits would be in the best
2 interests of the child.

3 ***2. If the child has resided with a person with whom he has***
4 ***established a meaningful relationship, the court also may grant to that***
5 ***person a reasonable right to visit the child during his minority, regardless***
6 ***of whether the person is related to the child, if the court finds that the***
7 ***visits would be in the best interests of the child.***

8 **3.** In determining whether to grant ~~this~~ a right to **visitation to** a
9 petitioner ~~§~~ **pursuant to subsection 1 or 2**, the court shall consider:

10 (a) The love, affection and other emotional ties existing between the
11 party seeking visitation and the child.

12 (b) The capacity and disposition of the party seeking visitation to:

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

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

17 (3) Cooperate in providing the child with health care or alternative
18 care recognized and permitted under the laws of this state in lieu of health
19 care.

20 (c) The prior relationship between the child and the party seeking
21 visitation ~~§~~, **including, without limitation, whether the child resided with**
22 **the party seeking visitation and whether the child was included in**
23 **holidays and family gatherings with the party seeking visitation.**

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

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

26 (f) The reasonable preference of the child, if the child has a preference,
27 and if the child is determined to be of sufficient maturity to express a
28 preference.

29 (g) The willingness and ability of the party seeking visitation to facilitate
30 and encourage a close and continuing relationship between the child and
31 the parent or parents ~~§~~ **of the child as well as with other relatives of the**
32 **child.**

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

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

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

40 ~~§2-4~~ **4.** If the parental rights of either or both natural parents of a child
41 are relinquished or terminated, and the child is placed in the custody of a
42 public agency or a private agency licensed to place children in homes, the
43 district court in the county in which the child resides may grant to the

1 *great-grandparents and* grandparents ~~{, parents}~~ *of the child* and *to* other
2 children of either parent *of the child* a reasonable right to visit the child
3 during his minority if a petition therefor is filed with the court before the
4 date on which the parental rights are relinquished or terminated. In
5 determining whether to grant this right to a petitioner, the court must find
6 that the visits would be in the best interests of the child in light of the
7 considerations set forth in subsection ~~{1-}~~ 3.
8 ~~{3-}~~ 5. Rights to visit a child may be granted:
9 (a) In a divorce decree;
10 (b) In an order of separate maintenance; or
11 (c) Upon a petition filed by an eligible person ~~{after}~~ :
12 (1) *After* a divorce or separation or after the death of ~~{the parent to~~
13 ~~whom the person was related,}~~ *a parent*, or upon the relinquishment or
14 termination of a parental right ~~{~~
15 ~~—4.— Termination of the}~~ ;
16 (2) *If the parents of the child were not legally married and were*
17 *cohabitating, after the death of a parent or after the separation of the*
18 *parents of the child; or*
19 (3) *If the petition is based on the provisions of subsection 2, after*
20 *the eligible person ceases to reside with the child.*
21 6. *If a court terminates the* parental rights of a parent who is divorced
22 or separated , ~~{also terminates}~~ any rights previously granted pursuant to
23 subsection 1 ~~{}~~ *also must be terminated*, unless the court finds that visits
24 by those persons would be in the best interests of the child.
25 ~~{5-}~~ 7. For the purposes of this section, “separation” means ~~{a}~~ :
26 (a) A legal separation or any other separation of a married couple if the
27 couple has lived separate and apart for 30 days or more and has no present
28 intention of resuming a marital relationship ~~{}~~ ; or
29 (b) *If a couple was not legally married but cohabitating, a separation*
30 *of the couple if the couple has lived separate and apart for 30 days or*
31 *more and has no present intention of resuming cohabitation or entering*
32 *into a marital relationship.*
33 **Sec. 2.** NRS 125A.340 is hereby repealed.

TEXT OF REPEALED SECTION

125A.340 Rights of certain great-grandparents and grandparents.

Except as otherwise provided in subsection 2 of NRS 125A.330, a grandparent or parent of either parent of an unmarried minor child, if:

1. One parent of the minor child is deceased, divorced or separated
from the other parent; or

2. The parental rights of either parent have been terminated, may 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.

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