

ASSEMBLY BILL NO. 544—COMMITTEE ON JUDICIARY

(ON BEHALF OF ASSEMBLYWOMAN BUCKLEY)

MARCH 15, 1999

Referred to Committee on Judiciary

SUMMARY—Requires court under certain circumstances to consider best interest of child when determining whether to grant permission to parent to move child out of this state. (BDR 11-1598)

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 domestic relations; requiring a court under certain circumstances to consider the best interest of a child when determining whether to grant permission to a parent to move the child out of this state; 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 125.470 is hereby amended to read as follows:
2 125.470 1. If, during any proceeding brought under this chapter,
3 either before or after the entry of a final order concerning the custody of a
4 minor child, it appears to the court that any minor child of either party has
5 been, or is likely to be, taken or removed out of this state or concealed
6 within this state, the court shall forthwith order such child to be produced
7 before it and make such disposition of the child's custody as appears most
8 advantageous to ***and in the best interest of*** the child and most likely to
9 secure to him the benefit of the final order or the modification or
10 termination of the final order to be made in his behalf.
11 2. If, during any proceeding brought under this chapter, either before
12 or after the entry of a final order concerning the custody of a minor child,
13 the court finds that it would be in the best interest of the minor child, the
14 court may enter an order providing that a party may, with the assistance of
15 the appropriate law enforcement agency, obtain physical custody of the

1 child from the party having physical custody of the child. The order must
2 provide that if the party obtains physical custody of the child, the child
3 must be produced before the court as soon as practicable to allow the court
4 to make such disposition of the child's custody as appears most
5 advantageous to *and in the best interest of* the child and most likely to
6 secure to him the benefit of the final order or the modification or
7 termination of the final order to be made in his behalf.

8 3. If the court enters an order pursuant to subsection 2 providing that a
9 party may obtain physical custody of a child, the court shall order that
10 party to give the party having physical custody of the child notice at least
11 24 hours before the time at which he intends to obtain physical custody of
12 the child, unless the court deems that requiring the notice would likely
13 defeat the purpose of the order.

14 4. All orders for a party to appear with a child issued pursuant to this
15 section may be enforced as provided by subsection 2 of NRS 125A.140.

16 5. A proceeding under this section must be given priority on the court
17 calendar.

18 **Sec. 2.** NRS 125A.350 is hereby amended to read as follows:

19 125A.350 If custody has been established and the custodial parent or a
20 parent having joint custody intends to move his residence to a place
21 outside of this state and to take the child with him, he must, as soon as
22 possible and before the planned move, attempt to obtain the written
23 consent of the other parent to move the child from ~~the~~ *this* state. If the
24 noncustodial parent or other parent having joint custody refuses to give
25 that consent, the parent planning the move shall, before he leaves ~~the~~ *this*
26 state with the child, petition the court for permission to move the child. *If*
27 *the parents have joint custody of the child, the court shall consider the*
28 *best interest of the child when determining whether to grant permission*
29 *to move the child.* The failure of a parent to comply with the provisions of
30 this section may be considered as a factor if a change of custody is
31 requested by the noncustodial parent or other parent having joint custody.