Assembly Bill No. 688–Committee on Judiciary

CHAPTER.....

AN ACT relating to domestic relations; amending Assembly Bill No. 456 of the 1999 Legislative Session to revise the requirements for determining custody and rights to visitation of a parent who is convicted of first degree murder of the other parent of the child; and providing other matters properly relating thereto.

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

**Section 1.** Sections 2 and 5 of Assembly Bill No. 456 of this session are hereby amended to read as follows:

**Sec. 2.** ***1. The conviction of the parent of a child for murder of the first degree of the other parent of the child creates a rebuttable presumption that sole or joint custody of the child by the convicted parent is not in the best interest of the child. The rebuttable presumption may be overcome only if:***

***(a) The court determines that:***

***(1) There is no other suitable guardian for the child;***

***(2) The convicted parent is a suitable guardian for the child; and***

***(3) The health, safety and welfare of the child are not at risk; or***

***(b) The child is of suitable age to signify his assent and assents to the order of the court awarding sole or joint custody of the child to the convicted parent.***

***2. The conviction of the parent of a child for murder of the first degree of the other parent of the child creates a rebuttable presumption that rights to visitation with the child are not in the best interest of the child and must not be granted if custody is not granted pursuant to subsection 1. The rebuttable presumption may be overcome only if:***

***(a) The court determines that:***

***(1) The health, safety and welfare of the child are not at risk; and***

***(2) It will be beneficial for the child to have visitations with the convicted parent; or***

***(b) The child is of suitable age to signify his assent and assents to the order of the court awarding rights to visitation with the child to the convicted parent.***

***3. Until the court makes a determination pursuant to this section, no person may bring the child into the presence of the convicted parent without the consent of the legal guardian or custodian of the child.***

**Sec. 5.** ***1. The conviction of the parent of a child for murder of the first degree of the other parent of the child creates a rebuttable presumption that sole or joint custody of the child by the convicted parent is not in the best interest of the child. The rebuttable presumption may be overcome only if:***

***(a) The court determines that:***

***(1) There is no other suitable guardian for the child;***

***(2) The convicted parent is a suitable guardian for the child; and***

***(3) The health, safety and welfare of the child are not at risk; or***

***(b) The child is of suitable age to signify his assent and assents to the order of the court awarding sole or joint custody of the child to the convicted parent.***

***2. The conviction of the parent of a child for murder of the first degree of the other parent of the child creates a rebuttable presumption that rights to visitation with the child are not in the best interest of the child and must not be granted if custody is not granted pursuant to subsection 1. The rebuttable presumption may be overcome only if:***

***(a) The court determines that:***

***(1) The health, safety and welfare of the child are not at risk; and***

***(2) It will be beneficial for the child to have visitations with the convicted parent; or***

***(b) The child is of suitable age to signify his assent and assents to the order of the court awarding rights to visitation with the child to the convicted parent.***

***3. Until the court makes a determination pursuant to this section, no person may bring the child into the presence of the convicted parent without the consent of the legal guardian or custodian of the child.***

**Sec. 2.** This act becomes effective upon passage and approval.

~