

ASSEMBLY BILL NO. 688—COMMITTEE ON JUDICIARY

(ON BEHALF OF LEGISLATIVE COUNSEL)

MAY 18, 1999

Referred to Committee on Judiciary

SUMMARY—Amends Assembly Bill No. 456 of 1999 Legislative Session. (BDR 11-1752)

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 ~~for omitted material~~ is material to be omitted.

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.*

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

7 (a) The court determines that:

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

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

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

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

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

24 (a) The court determines that:

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

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

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

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

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

39 (a) The court determines that:

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

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

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

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

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