

ASSEMBLY BILL NO. 298—ASSEMBLYMAN COLLINS (BY REQUEST)

MARCH 7, 2001

Referred to Committee on Judiciary

SUMMARY—Provides for establishment of registry of putative fathers for purposes of adoption of children. (BDR 11-490)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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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; providing for the establishment of a registry of putative fathers; requiring the division of child and family services of the department of human resources to adopt regulations to administer the registry of putative fathers; revising the provisions governing the adoption of children of putative fathers; 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.** Chapter 127 of NRS is hereby amended by adding thereto
- 2 the provisions set forth as sections 2 to 9, inclusive, of this act.
- 3 **Sec. 2. 1. *The division shall establish a registry of putative fathers.***
- 4 ***2. The registry must include, without limitation, the following***
- 5 ***information pertaining to a registrant who has not withdrawn his***
- 6 ***registration:***
- 7 ***(a) The name of the registrant;***
- 8 ***(b) The date of birth of the registrant;***
- 9 ***(c) The address at which the registrant wishes to receive notice of the***
- 10 ***filing of a petition for adoption; and***
- 11 ***(d) The name of the natural mother of the child and any known***
- 12 ***aliases used by the natural mother.***
- 13 **Sec. 3. 1. *A person who is the putative father of a child may,***
- 14 ***before the birth of the child or within 7 days after the birth of the child,***
- 15 ***register with the registry by submitting to the division a registration form***
- 16 ***in the manner prescribed in the regulations adopted by the division***
- 17 ***pursuant to section 9 of this act.***
- 18 ***2. A registration form shall be deemed to be filed in the registry at***
- 19 ***the time of receipt that is recorded on the registration form by the***
- 20 ***division.***



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1 3. A registrant shall, not later than 5 days after changing the address
2 at which he wishes to receive notice of a filing of a petition for adoption,
3 notify the division of his new address.

4 Sec. 4. 1. Upon receipt of a notarized written request of a
5 registrant to withdraw his registration from the registry, the division
6 shall:

7 (a) Remove from the registry and destroy all information, whether
8 tangible or intangible, pertaining to the registrant; and

9 (b) Refuse to disclose any information pertaining to the registrant or
10 pertaining to the fact that the registrant registered with the registry or
11 requested the withdrawal of his registration.

12 2. A registrant who withdraws his registration pursuant to this
13 section may not submit another registration form for the same child for
14 which he previously registered.

15 Sec. 5. 1. A petitioner for adoption may request that the division
16 search the registry to determine whether a person has registered as the
17 putative father of the child who is the subject of the petition for adoption.

18 2. After conducting a search of the registry, if the division
19 determines that a person has:

20 (a) Registered as the putative father of the child, the division shall:

21 (1) Provide the petitioner a certified copy of the registration form
22 submitted by the registrant which indicates the date and time of receipt of
23 the registration form; and

24 (2) Notify the registrant by certified mail that a petition for adoption
25 of the child has been filed, that a search of the registry was conducted
26 pursuant to this section and that a copy of his registration form was
27 provided to the petitioner.

28 (b) Not registered as the putative father of the child, the division shall
29 provide the petitioner a certified statement verifying that a search of the
30 registry was conducted and that no person has registered as the putative
31 father of the child.

32 Sec. 6. The division shall not charge any fee for:

33 1. Registration with the registry;

34 2. Withdrawal of registration with the registry;

35 3. Conducting a search of the registry; or

36 4. Providing a certified copy of a registration form or a certified
37 statement pursuant to section 5 of this act.

38 Sec. 7. 1. Except as otherwise provided in subsection 2, all
39 information contained in the registry is confidential and must not be
40 released to any person.

41 2. Information concerning a registrant may be released to:

42 (a) A court of competent jurisdiction.

43 (b) A petitioner for adoption of a child who submits a written request
44 for a search of the registry and any attorney representing the petitioner.

45 (c) A person who submits a written request for the information
46 accompanied by a notarized statement from the registrant authorizing
47 release of the information.

48 (d) A person authorized to receive the information pursuant to an
49 order of a court of competent jurisdiction.



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1 (e) The state, any political subdivision of the state and any agency of
2 the state or of a political subdivision of the state that is responsible for
3 enforcing obligations of child support, but the information must not be
4 used for any purpose other than enforcing an obligation of child support.

5 **Sec. 8.** The putative father of a child who is born as the result of an
6 act of sexual intercourse in this state shall be deemed to have notice that,
7 pursuant to NRS 127.090, the child may be adopted without his consent
8 if:

9 1. He fails to register with the registry pursuant to section 3 of this
10 act or withdraws his registration pursuant to section 4 of this act; or

11 2. Within 10 days after receiving notice pursuant to section 5 of this
12 act that a petition for adoption of the child has been filed, that a search
13 of the registry was conducted and that a copy of his registration form was
14 provided to the petitioner, he has not filed an action pursuant to NRS
15 126.071 to determine the existence of a parent and child relationship.

16 **Sec. 9.** The division shall adopt regulations to carry out the
17 provisions of this section and sections 2 to 8, inclusive, of this act.

18 **Sec. 10.** NRS 127.003 is hereby amended to read as follows:

19 127.003 As used in this chapter, unless the context otherwise requires:

20 1. "Division" means the division of child and family services of the
21 department of human resources.

22 2. "Indian child" has the meaning ascribed to it in 25 U.S.C. § 1903.

23 3. "Indian Child Welfare Act" means the Indian Child Welfare Act of
24 1978, ~~§~~ 25 U.S.C. §§ 1901 et seq. ~~§~~

25 4. "Parent and child relationship" has the meaning ascribed to it in
26 NRS 128.015.

27 5. "Putative father" means a person who:

28 (a) Is alleged or reputed to be the natural father of an illegitimate
29 child; and

30 (b) Before the date on which a petition for adoption of the child is
31 filed, has not acknowledged paternity of the child pursuant to NRS
32 126.053 and has not been determined to have a parent and child
33 relationship with the child by:

34 (1) A court of competent jurisdiction pursuant to NRS 125B.150,
35 126.071 or 130.701;

36 (2) A court of competent jurisdiction in another state;

37 (3) An administrative agency or quasi-judicial entity pursuant to
38 NRS 425.382 to 425.385, inclusive; or

39 (4) An administrative agency or quasi-judicial entity in another
40 state that is authorized to establish or to determine parentage or the
41 existence of a parent and child relationship.

42 6. "Registrant" means a putative father who has registered with the
43 registry pursuant to section 3 of this act.

44 7. "Registry" means the registry of putative fathers established
45 pursuant to section 2 of this act.

46 **Sec. 11.** NRS 127.005 is hereby amended to read as follows:

47 127.005 1. The provisions of NRS 127.010 to 127.186, inclusive,
48 and sections 2 to 9, inclusive, of this act govern the adoption of minor
49 children ~~§, and the~~; and



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1 2. *The provisions of NRS 127.190 ~~to 127.210, inclusive,~~ , 127.200*
2 *and 127.210 and the provisions of NRS 127.010 to 127.186, inclusive, and*
3 *sections 2 to 9, inclusive, of this act, where not inconsistent with the*
4 *provisions of NRS 127.190 ~~to 127.210, inclusive,~~ , 127.200 and 127.210,*
5 *govern the adoption of adults.*
6 **Sec. 12.** NRS 127.090 is hereby amended to read as follows:
7 127.090 1. Consent of a parent to an adoption ~~shall not be necessary~~
8 ~~where~~ *is not necessary if the* parental rights *of the parent* have been
9 terminated by an order of a court of competent jurisdiction.
10 2. *Consent of a putative father to an adoption is not necessary if:*
11 (a) *The putative father has failed to register with the registry pursuant*
12 *to section 3 of this act or has withdrawn his registration pursuant to*
13 *section 4 of this act; or*
14 (b) *Within 10 days after receiving notice pursuant to section 5 of this*
15 *act that a petition for adoption of the child has been filed, that a search*
16 *of the registry was conducted and that a copy of his registration form was*
17 *provided to the petitioner, the putative father has not filed an action*
18 *pursuant to NRS 126.071 to determine the existence of a parent and child*
19 *relationship.*
20 **Sec. 13.** NRS 127.110 is hereby amended to read as follows:
21 127.110 1. A petition for adoption of a child who currently resides in
22 the home of the petitioners may be filed at any time after the child has
23 lived in the home for 30 days.
24 2. The petition for adoption must state, in substance, the following:
25 (a) The full name and age of the petitioners and the period the
26 petitioners have resided in the State of Nevada before the filing of the
27 petition.
28 (b) The age of the child sought to be adopted and the period that the
29 child has lived in the home of petitioners before the filing of the petition.
30 (c) That it is the desire of the petitioners that the relationship of parent
31 and child be established between them and the child.
32 (d) Their desire that the name of the child be changed, together with the
33 new name desired.
34 (e) That the petitioners are fit and proper persons to have the care and
35 custody of the child.
36 (f) That they are financially able to provide for the child.
37 (g) That there has been a full compliance with the law in regard to
38 consent to adoption. *If the consent of a putative father is not required*
39 *pursuant to subsection 2 of NRS 127.090, the petitioner must present to*
40 *the court the certified statement provided to the petitioner pursuant to*
41 *section 5 of this act or evidence that the putative father received notice of*
42 *the petition pursuant to section 5 of this act and failed to file an action*
43 *pursuant to NRS 126.071 to determine the existence of a parent and child*
44 *relationship within 10 days after receiving such notice.*
45 (h) That there has been a full compliance with NRS 127.220 to 127.310,
46 inclusive.
47 (i) Whether the child is known to be an Indian child.
48 3. No order of adoption may be entered unless there has been full
49 compliance with the provisions of NRS 127.220 to 127.310, inclusive.



1 **Sec. 14.** The amendatory provisions of this act apply with respect to
2 any child who is born on or after October 1, 2001.

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