

ASSEMBLY BILL NO. 435—ASSEMBLYMEN GUSTAVSON, ANGLE,
KNECHT, BROWN, CHOWNING, GOICOECHEA, GRADY AND
HETTRICK (BY REQUEST)

MARCH 17, 2003

JOINT SPONSOR: SENATOR NOLAN

Referred to Committee on Judiciary

SUMMARY—Requires courts that issue or modify orders that
award custody of children to issue detailed parenting
plans. (BDR 11-1143)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: 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; requiring a court that issues or
modifies an order awarding custody of a minor child to
issue a parenting plan in conjunction with its order;
establishing certain requirements for the contents of
parenting plans; requiring parenting plans to establish the
rights and responsibilities of parents with sufficient
particularity to ensure that the rights and responsibilities
can be properly enforced; authorizing parents to submit
proposed parenting plans; requiring judges to consider the
best interest of the child in determining the content of
parenting plans; 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. Chapter 125 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A court that issues an order awarding custody of a minor child or modifying an existing order shall, in conjunction with its order, issue a parenting plan.

2. A parenting plan may include any provision that the court determines will:

(a) Affect the physical or emotional health or the well-being of the child; or

(b) Facilitate a meaningful, ongoing relationship between a parent and the child.

3. A parenting plan must include provisions that:

(a) Designate one parent as the custodian of the child for purposes of jurisdiction or venue, or where designation of a custodian is required by law. This designation does not affect the rights or responsibilities of a parent under the parenting plan.

(b) Establish a detailed residential schedule for the child, specifying the periods during which the child will reside with each parent, including provisions for holidays, birthdays of the child and other family members, vacations, and other special occasions. The schedule must specify the responsibility of a parent for the transportation of the child. The schedule must set forth the obligations of a parent in response to a disruption in the schedule caused by unexpected or unforeseeable circumstances.

(c) Declare that responsibility for day-to-day decisions concerning the child is vested in the parent with whom the child is residing at the time and that any parent may make a decision in an emergency situation that affects the health or safety of the child.

(d) Allocate responsibility between the parents for nonroutine decisions regarding:

(I) The education of the child;

(2) The health care and other physical needs of the child;

(3) The spiritual development of the child; and

(4) Critical events in the life of the child, including, without limitation, the child's:

(I) Marriage;

(II) Obtaining a driver's license; and

(III) Enlistment in the armed services.

(e) Establish clear guidelines to regulate how parents may communicate with each other and with the child.

(f) Require parents to exchange records and other information regarding the child.

(g) Require the review of the parenting plan if requested by a parent or the child, or upon the occurrence of particular events,



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1 *including, without limitation, attainment by the child of a certain*
2 *age or a change in the residence of the child.*

3 *(h) Mandate methods, other than court action, by which future*
4 *disputes concerning the child will be resolved between the parents.*
5 *Such methods may include, without limitation, mediation,*
6 *arbitration and counseling.*

7 *(i) Set forth the sanctions that the court may apply if a parent*
8 *fails to follow the terms of the parenting plan.*

9 *4. Each provision included in a parenting plan must define*
10 *the rights or responsibilities of a parent with sufficient*
11 *particularity to ensure that the rights or responsibilities can be*
12 *properly enforced and that the best interest of the child is*
13 *achieved. As used in this subsection, “sufficient particularity”*
14 *means a statement of the rights or responsibilities in absolute*
15 *terms and not by the use of the term “reasonable” or other similar*
16 *term which is susceptible to different interpretations by the*
17 *parents.*

18 *5. The parents may jointly submit a proposed parenting plan*
19 *to the court or, if the parents are unable to agree, each parent may*
20 *submit a proposed plan. The court shall determine the final*
21 *content of the parenting plan. In determining the content of a*
22 *parenting plan, the sole consideration of the court is the best*
23 *interest of the child.*

24 *6. As used in this section, “parent” includes a legal guardian*
25 *or other person who exercises parental responsibilities.*

