

Amendment No. 515

Senate Amendment to Senate Bill No. 109 First Reprint

(BDR 11-620)

Proposed by: Senator Washington

Amendment Box:

Resolves Conflicts with: N/A

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend section 1, page 2, line 37, by deleting “consider,” and inserting:

“consider ~~[]~~ *and set forth its specific findings concerning,*”.

KEL/BAW

Date: 4/25/2005

S.B. No. 109—Revises provisions relating to determination of custody of minor after parents’ separation or dissolution of marriage.



**If this amendment is adopted, the Legislative
Counsel's Digest will be changed to read as follows:**

Legislative Counsel's Digest:

Under existing law, until a court orders otherwise, married parents have joint legal custody of their children. (NRS 125.465) In addition, existing law provides that the best interest of the child must be the sole consideration of the court in determining the custody of a child. Existing law requires the court to award custody in a particular order of preference unless the best interest of the child requires otherwise. In determining the best interest of the child, the court must consider a list of factors. (NRS 125.480) Existing law also establishes a presumption that joint custody would be in the best interest of the child if both parents have agreed to joint custody. (NRS 125.490)

This bill requires the court, as a first preference, to award custody to both parents jointly if the parents have agreed to joint custody. This bill then repeals the presumption that joint custody would be in the best interest of the child if the parents have agreed to joint custody. This bill makes it a second preference for the court to award custody to both parents jointly or to either parent, according to the best interest of the child, based upon the best judgment of the court considering the facts of the case and subject to such conditions and limitations as the court deems equitable. This bill also adds several factors to the list of factors that the court must consider in determining the best interest of the child. The court must also set forth its specific findings concerning the factors considered in determining the best interest of the child.