

SENATE BILL NO. 109—SENATOR WASHINGTON

FEBRUARY 22, 2005

Referred to Committee on Judiciary

SUMMARY—Revises provisions concerning presumption that joint custody is in best interest of minor child. (BDR 11-620)

FISCAL NOTE: Effect on Local Government: No.
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 domestic relations; revising the provisions concerning the presumption that joint custody is in the best interest of a minor child; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, until a court orders otherwise, married parents have joint
2 legal custody of their children. (NRS 125.465) In addition, existing law provides
3 that the best interest of a child must be the sole consideration of the court in
4 determining the custody of a child. (NRS 125.480) Existing law also establishes a
5 presumption that when both parents agree to joint custody, joint custody is in the
6 best interest of a child. (NRS 125.490)
7 This bill makes the presumption that joint custody is in the best interest of the
8 child applicable even if both parents do not agree to joint custody. However, the
9 presumption does not apply if a parent has been convicted of certain crimes or has
10 committed acts of domestic violence.

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

1 **Section 1.** NRS 125.490 is hereby amended to read as follows:
2 125.490 1. ~~{There}~~ ***Except as otherwise provided in***
3 ***subsection 5 or 6 of NRS 125.480, NRS 125C.210, 125C.220 or***
4 ***125C.230, there*** is a presumption, affecting the burden of proof, that
5 joint custody ~~{would be}~~ ***is*** in the best interest of a minor child . ~~{if~~
6 ~~the parents have agreed to an award of joint custody or so agree in~~



1 ~~open court at a hearing for the purpose of determining the custody~~
2 ~~of the minor child or children of the marriage.~~
3 ~~—2. The court may award joint legal custody without awarding~~
4 ~~joint physical custody in a case where the parents have agreed to~~
5 ~~joint legal custody.~~
6 ~~—3.]~~ 2. For assistance in making a determination whether an
7 award of joint custody is ~~{appropriate,}~~ *inappropriate*, the court may
8 direct that an investigation be conducted.

