

ASSEMBLY BILL NO. 45—COMMITTEE ON JUDICIARY

PREFILED FEBRUARY 1, 2007

Referred to Committee on Judiciary

SUMMARY—Revises the factors used in determining the unfitness of a parent as grounds for terminating parental rights. (BDR 11-135)

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 parental rights; adding the conviction of murder, voluntary manslaughter or solicitation to commit murder by a parent as factors in determining the unfitness of the parent as grounds for terminating parental rights; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, an order for the termination of parental rights must include
2 a finding that termination would serve the best interests of the child and must be
3 based upon certain conduct of the parent, such as unfitness as a parent. (NRS
4 128.105) This bill adds the conviction of a parent for murder, voluntary
5 manslaughter or solicitation to commit murder by the parent as factors in
6 determining the unfitness of a parent as grounds for terminating that parent's
7 parental rights.

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

1 **Section 1.** NRS 128.106 is hereby amended to read as follows:
2 128.106 In determining neglect by or unfitness of a parent, the
3 court shall consider, without limitation, the following conditions
4 which may diminish suitability as a parent:
5 1. Emotional illness, mental illness or mental deficiency of the
6 parent which renders the parent consistently unable to care for the



1 immediate and continuing physical or psychological needs of the
2 child for extended periods of time. The provisions contained in NRS
3 128.109 apply to the case if the child has been placed outside his
4 home pursuant to chapter 432B of NRS.

5 2. Conduct toward a child of a physically, emotionally or
6 sexually cruel or abusive nature.

7 3. Conduct that violates any provision of NRS 200.463,
8 200.464 or 200.465.

9 4. Excessive use of intoxicating liquors, controlled substances
10 or dangerous drugs which renders the parent consistently unable to
11 care for the child.

12 5. Repeated or continuous failure by the parent, although
13 physically and financially able, to provide the child with adequate
14 food, clothing, shelter, education or other care and control necessary
15 for his physical, mental and emotional health and development, but
16 a person who, legitimately practicing his religious beliefs, does not
17 provide specified medical treatment for a child is not for that reason
18 alone a negligent parent.

19 6. Conviction of the parent for commission of a felony, if the
20 facts of the crime are of such a nature as to indicate the unfitness of
21 the parent to provide adequate care and control to the extent
22 necessary for the child's physical, mental or emotional health and
23 development.

24 7. *Conviction of the parent for murder, voluntary*
25 *manslaughter or solicitation to commit murder.*

26 8. Unexplained injury or death of a sibling of the child.

27 ~~18.1~~ 9. Inability of appropriate public or private agencies to
28 reunite the family despite reasonable efforts on the part of the
29 agencies.

