

SENATE BILL NO. 67—SENATOR HARDY

PREFILED FEBRUARY 2, 2007

Referred to Committee on Judiciary

**SUMMARY**—Provides for the establishment of a registry of putative fathers for purposes of facilitating the termination of parental rights and the adoption of certain children. (BDR 11-478)

**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 Health Division of the Department of Health and Human Services to administer the registry of putative fathers; requiring the State Board of Health to adopt regulations concerning the registry of putative fathers; revising the provisions governing the termination of parental rights and the adoption of children of putative fathers; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Under existing law, if a mother relinquishes or proposes to relinquish for  
2 adoption a child who has only a putative father, a petition must be filed in district  
3 court to terminate the parental rights of the father unless the father's relationship to  
4 the child has been previously terminated or determined not to exist by a court.  
5 (NRS 128.150) The court must make inquiry of the mother and any appropriate  
6 person to identify and protect the interests of the natural father before terminating  
7 his parental rights. (NRS 128.150) **Sections 5-7** of this bill establish a registry for  
8 putative fathers and create provisions relating to registration or withdrawal of  
9 registration from the registry. **Section 8** of this bill establishes the process by which  
10 a search of the registry may be conducted to determine whether a person has  
11 registered as a putative father. **Section 9** of this bill requires the State Board of  
12 Health to establish fees for conducting certain activities in connection with the  
13 registry and prohibits fees for other activities in connection with the registry.



**Section 10** of this bill requires information contained in the registry to be kept confidential. **Section 11** of this bill authorizes the State Board of Health to adopt regulations to carry out the provisions of **sections 2-10** of this bill. **Section 12** of this bill allows certain persons to petition for the termination of the parental rights of a putative father to facilitate the adoption of a child and also establishes the criteria for such a petition, including notice requirements to persons who have registered in the registry as putative fathers.

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

**Section 1.** Chapter 128 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

**Sec. 2.** *“Division” means the Health Division of the Department of Health and Human Services.*

**Sec. 3.** *“Registrant” means a putative father who has registered with the registry pursuant to section 6 of this act.*

**Sec. 4.** *“Registry” means the registry of putative fathers established pursuant to section 5 of this act.*

**Sec. 5. 1.** *The Division shall establish a registry of putative fathers.*

**2.** *The registry must include, without limitation, the following information pertaining to a registrant who has not withdrawn his registration:*

*(a) The name of the registrant;*

*(b) The date of birth of the registrant;*

*(c) The name and date of birth of the child who is the subject of the registration, if known;*

*(d) The address at which the registrant wishes to receive notice of the filing of a petition for termination of parental rights; and*

*(e) The name of the mother of the child and any known aliases used by the mother.*

**3.** *The Division shall establish and maintain a statewide campaign to ensure that the public is aware of the existence and purpose of the registry.*

**Sec. 6. 1.** *A person who is the putative father of a child may register with the registry by submitting to the Division a registration form in the manner prescribed in the regulations adopted by the State Board of Health pursuant to section 11 of this act:*

*(a) Before the birth of the child;*

*(b) Within 3 days after the birth of the child; or*



(c) Within 3 days after the date notice is provided pursuant to subsection 4 of section 12 of this act,  
↳ whichever occurs later.

2. A registration form shall be deemed to be filed in the registry at the time of receipt that is recorded on the registration form by the Division.

3. A registrant shall notify the Division of his new address not later than 5 days after changing the address at which he wishes to receive notice of a filing of a petition for termination of parental rights or summary petition for termination of parental rights, as applicable.

**Sec. 7.** 1. Upon receipt of a written and notarized request of a registrant to withdraw his registration from the registry, the Division shall:

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

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

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

**Sec. 8.** 1. An agency described in NRS 127.050, a person who has filed a petition for termination of parental rights pursuant to this chapter or an attorney acting on behalf of a person who has filed a petition for termination of parental rights pursuant to this chapter may request that the Division search the registry to determine whether a person who is the subject of a petition for termination of parental rights filed pursuant to this chapter has registered as the putative father of the child.

2. After conducting a search of the registry, if the Division determines that a person has registered as the putative father of the child, the Division shall:

(a) Provide the agency or person described in subsection 1 with a certified copy of the registration form submitted by the registrant which indicates the date and time of receipt of the registration form; and

(b) Notify the registrant by certified mail that:

(1) A petition or summary petition, as applicable, for the termination of his parental rights has been filed;

(2) A search of the registry was conducted pursuant to this section; and

(3) A copy of his registration form was provided to an agency or a person described in subsection 1.



1       3. After conducting a search of the registry, if the Division  
2 determines that a person has not registered as the putative father  
3 of the child, the Division shall provide the agency or person  
4 described in subsection 1 with a certified statement verifying that:

5       (a) A search of the registry was conducted; and

6       (b) No person has registered as the putative father of the child.

7       **Sec. 9.** 1. The State Board of Health shall establish by  
8 regulation the fees to be charged pursuant to subsection 2 in an  
9 amount sufficient to defray all costs of carrying out the provisions  
10 of sections 2 to 10, inclusive, of this act.

11       2. The regulations adopted by the State Board of Health  
12 pursuant to subsection 1 must provide that a reasonable fee must  
13 be charged for:

14       (a) Conducting a search of the registry; or

15       (b) Providing a certified copy of a registration form or a  
16 certified statement pursuant to section 8 of this act.

17       3. The regulations adopted by the State Board of Health  
18 pursuant to subsection 1 must provide that a fee must not be  
19 charged for:

20       (a) Registering with the registry; or

21       (b) Withdrawing a registration from the registry.

22       4. All money received by the Division pursuant to subsection  
23 2 must be deposited in the State General Fund.

24       5. The Administrator of the Division may apply for or accept  
25 any gifts, grants, donations or contributions from any source to  
26 carry out the provisions of sections 2 to 10, inclusive, of this act.  
27 Any money the Administrator receives pursuant to this subsection:

28       (a) Must be deposited in the State Treasury and accounted for  
29 separately in the State General Fund;

30       (b) May only be used to carry out the provisions of sections 2  
31 to 10, inclusive, of this act; and

32       (c) Does not revert to the State General Fund at the end of any  
33 fiscal year.

34       **Sec. 10.** 1. Except as otherwise provided in this section, all  
35 information contained in the registry is confidential and must not  
36 be released to any person.

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

38       (a) A court of competent jurisdiction.

39       (b) An agency or a person described in section 8 of this act  
40 who submits a written request for a search of the registry.

41       (c) A person who submits a written request for the information  
42 accompanied by a notarized statement from the registrant  
43 authorizing the release of the information.

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



(e) *The State, any political subdivision of the State and any agency of the State or of a political subdivision of the State that is responsible for establishing and enforcing obligations of child support, but the information released must not be used for any purpose other than establishing and enforcing obligations of child support.*

**Sec. 11.** *The State Board of Health shall adopt regulations to carry out the provisions of sections 2 to 10, inclusive, of this act.*

**Sec. 12.** *1. If the mother of a child relinquishes or proposes to relinquish for adoption a child who does not have:*

*(a) A presumed father pursuant to subsection 1 of NRS 126.051;*

*(b) A father whose relationship to the child has been determined by a court;*

*(c) A father as to whom the child is a legitimate child pursuant to chapter 126 of NRS, the prior law of this State or the law of another jurisdiction; or*

*(d) A father who can be identified in any other way, or if a child otherwise becomes the subject of an adoption proceeding, the agency or person to whom the child has been or is to be relinquished, or the mother or the person having custody of the child, may file a summary petition to terminate parental rights pursuant to this section.*

*2. A summary petition to terminate parental rights must be verified, must be entitled "Summary Petition for Termination of Parental Rights" and must:*

*(a) Allege the facts necessary for a court to grant the petition;*

*(b) Contain the information set forth in NRS 128.050; and*

*(c) Be accompanied by an affidavit of the mother, which states:*

*(1) The name of each putative father of the child;*

*(2) The probable place or places where conception of the child is believed to have occurred;*

*(3) The probable date when conception of the child is believed to have occurred;*

*(4) The last known address of each putative father of the child, if known;*

*(5) The name of any relative or a friend of each putative father of the child, if known;*

*(6) The efforts, if any, by the mother to contact each putative father concerning the conception or birth of the child;*

*(7) The substance of any communication between the mother and each putative father concerning the conception or birth of the child;*



(8) The efforts, if any, of each putative father to establish the parentage of the child;

(9) The date of any visitation between the child and each putative father; and

(10) The amount of any financial assistance provided by each putative father to the mother during the pregnancy or after the birth of the child.

3. Notice of the filing of a summary petition must be sent by certified mail to the address of any putative father identified in the registry. The notice must contain a statement in substantially the following form:

As a person who has registered with the putative father registry as the putative father of a child, any parental rights that you may have concerning the child will be subject to summary termination unless, within 3 days after the date on which this notice was mailed to you, you enter an appearance in or otherwise notify the court identified in the summary petition for termination of parental rights that you have attempted to establish parentage of the child.

4. The filing of a summary petition does not relieve the petitioner of the duty to conduct a diligent search for the putative father before the petition is decided by the court. Such a search must be based upon the information provided in the affidavit of the mother pursuant to subsection 1 and any other reasonably accessible information. If a putative father is found pursuant to this subsection, the putative father must be notified by certified mail of the following:

(a) The name of the birth mother and date of birth or anticipated date of birth of the child.

(b) That he may be the father of the child.

(c) That the child is being placed for adoption.

(d) That if he has any interest in establishing or asserting his parental rights, he must register with the registry within 3 days after the birth of the child or within 3 days after the date on which notice is provided pursuant to this subsection, whichever occurs later, and that the failure to register with the registry will result in the termination of his parental rights.

5. If notice of a summary petition has been mailed to one or more putative fathers identified in the registry pursuant to subsection 3, the petitioner may submit a request for submission of the petition, together with a proposed order, to the court for decision 8 days after the date on which notice was mailed to each putative father if each putative father fails to:



- 1 (a) *Enter an appearance; or*
- 2 (b) *Otherwise notify the court of any attempt to establish*
- 3 *parentage.*

4 6. *If a putative father cannot be found or if a putative father*  
5 *who received notification pursuant to subsection 4 does not*  
6 *register with the registry within 3 days after the birth of the child*  
7 *or within 3 days after the date on which notice was provided*  
8 *pursuant to subsection 4, whichever occurs later, the petitioner*  
9 *may submit a request for submission of the petition, together with*  
10 *a proposed order, to the court for decision 8 days after the birth of*  
11 *the child or 8 days after the date on which notice was provided*  
12 *pursuant to subsection 4, whichever occurs later.*

13 7. *A putative father who fails to register with the registry*  
14 *pursuant to section 6 of this act shall be deemed to have waived*  
15 *his right and opportunity to receive further notice, other than the*  
16 *notice provided in this section, of proceedings for the summary*  
17 *termination of his parental rights.*

18 8. *A summary petition filed pursuant to this section must not*  
19 *be granted or denied sooner than 8 days after the birth of the*  
20 *child.*

21 9. *A court may grant a summary petition filed pursuant to*  
22 *this section if the court finds that:*

23 (a) *The petitioner has satisfied the provisions of this section;*  
24 *and*

25 (b) *Granting of the petition is in the best interests of the child.*

26 **Sec. 13.** NRS 128.010 is hereby amended to read as follows:

27 128.010 As used in this chapter, unless the context otherwise  
28 requires, the words and terms defined in NRS 128.011 to 128.018,  
29 inclusive, *and sections 2, 3 and 4 of this act* have the meanings  
30 ascribed to them in those sections.

31 **Sec. 14.** NRS 128.016 is hereby amended to read as follows:

32 128.016 "Putative father" means a person who ~~is or is~~:

33 1. *Is* alleged or reputed to be the father of an illegitimate child  
34 ~~is~~;

35 2. *Is not the presumed father of a child pursuant to*  
36 *NRS 126.051;*

37 3. *Has not acknowledged paternity of the child pursuant to*  
38 *NRS 126.053; and*

39 4. *Has not been determined to have a parent and child*  
40 *relationship with the child by:*

41 (a) *A court of competent jurisdiction pursuant to the laws of*  
42 *this State;*

43 (b) *A court of competent jurisdiction in another state;*

44 (c) *An administrative agency or quasi-judicial entity pursuant*  
45 *to NRS 425.382 to 425.3852, inclusive; or*





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

**Sec. 15.** NRS 128.050 is hereby amended to read as follows:

128.050 1. ~~The~~ *Except as otherwise provided in section 12 of this act*, proceedings must be entitled, "In the matter of the parental rights as to ....., a minor."

2. A petition must be verified and may be upon information and belief. It must set forth plainly:

(a) The facts which bring the child within the purview of this chapter.

(b) The name, age and residence of the child.

(c) The names and residences of his parents.

(d) The name and residence of the person or persons having physical custody or control of the child.

(e) The name and residence of his legal guardian, if there is one.

(f) The name and residence of the child's nearest known relative residing within the State, if no parent or guardian can be found.

(g) Whether the child is known to be an Indian child.

3. If any of the facts required by subsection 2 are not known by the petitioner, the petition must so state.

4. If the petitioner is a mother filing with respect to her unborn child, the petition must so state and must contain the name and residence of the father or putative father, if known.

5. If the petitioner or the child is receiving public assistance, the petition must so state.

**Sec. 16.** NRS 128.060 is hereby amended to read as follows:

128.060 1. ~~After~~ *Except as otherwise provided in section 12 of this act, after* a petition has been filed, unless the party or parties to be served voluntarily appear and consent to the hearing, the court shall direct the clerk to issue a notice, reciting briefly the substance of the petition and stating the date set for the hearing thereof, and requiring the person served therewith to appear before the court at the time and place *stated* if that person desires to oppose the petition.

2. The following persons must be personally served with the notice:

(a) The father or mother of the minor person, if residing within this State ~~§~~ and if his or her place of residence is known to the petitioner, or ~~§~~ if there is no parent so residing ~~§~~ or if the place of residence of the father or mother is not known to the petitioner, then the nearest known relative of that person, if there is any residing within the State ~~§~~ and if his residence and relationship are known to the petitioner; and





(b) The minor's legal custodian or guardian, if residing within this State and if his place of residence is known to the petitioner.

3. If the petitioner or the child is receiving public assistance, the petitioner shall mail a copy of the notice of hearing and a copy of the petition to the Chief of the Child Enforcement Program of the Division of Welfare and Supportive Services of the Department of Health and Human Services by registered or certified mail, return receipt requested, at least 45 days before the hearing.

**Sec. 17.** NRS 128.070 is hereby amended to read as follows:

128.070 1. ~~[When]~~ *Except as otherwise provided in subsection 6, when* the father or mother of a minor child or the child's legal custodian or guardian resides out of the State, has departed from the State, or cannot, after due diligence, be found within the State, or conceals himself or herself to avoid the service of the notice of hearing, and the fact appears, by affidavit, to the satisfaction of the court thereof, and it appears, either by affidavit or by a verified petition on file, that the named father or mother or custodian or guardian is a necessary or proper party to the proceedings, the court may grant an order that the service be made by the publication of the notice of hearing. When the affidavit is based on the fact that the father or mother or custodian or guardian resides out of the State, and his or her present address is unknown, it is a sufficient showing of that fact if the affiant states generally in the affidavit that:

(a) At a previous time the person resided out of this State in a certain place (naming the place and stating the latest date known to the affiant when the person so resided there);

(b) That place is the last place in which the person resided to the knowledge of the affiant;

(c) The person no longer resides at that place;

(d) The affiant does not know the present place of residence of the person or where the person can be found; and

(e) The affiant does not know and has never been informed and has no reason to believe that the person now resides in this State.

➤ In such case, it ~~[shall be]~~ *is* presumed that the person still resides and remains out of the State, and the affidavit shall be deemed to be a sufficient showing of due diligence to find the father or mother or custodian or guardian.

2. The order must direct the publication to be made in a newspaper, to be designated by the court, for a period of 4 weeks, and at least once a week during that time. In case of publication, where the residence of a nonresident or absent father or mother or custodian or guardian is known, the court shall also direct a copy of the notice of hearing and petition to be deposited in the post office, directed to the person to be served at his place of residence. When



1 publication is ordered, personal service of a copy of the notice of  
2 hearing and petition, out of the State, is equivalent to completed  
3 service by publication and deposit in the post office, and the person  
4 so served has 20 days after the service to appear and answer or  
5 otherwise plead. The service of the notice of hearing shall be  
6 deemed complete in cases of publication at the expiration of 4  
7 weeks from the first publication, and in cases when a deposit of a  
8 copy of the notice of hearing and petition in the post office is also  
9 required, at the expiration of 4 weeks from the deposit.

10 3. Personal service outside the State upon a father or mother  
11 over the age of 18 years or upon the minor's legal custodian or  
12 guardian may be made in any action where the person served is a  
13 resident of this State. When the facts appear, by affidavit, to the  
14 satisfaction of the court, and it appears, either by affidavit or by a  
15 verified petition on file, that the person in respect to whom the  
16 service is to be made is a necessary or proper party to the  
17 proceedings, the court may grant an order that the service be made  
18 by personal service outside the State. The service must be made by  
19 delivering a copy of the notice of hearing together with a copy of the  
20 petition in person to the person served. The methods of service are  
21 cumulative, and may be utilized with, after or independently of  
22 other methods of service.

23 4. Whenever personal service cannot be made, the court may  
24 require, before ordering service by publication or by publication and  
25 mailing, such further and additional search to determine the  
26 whereabouts of the person to be served as may be warranted by the  
27 facts stated in the affidavit of the petitioner to the end that actual  
28 notice be given whenever possible.

29 5. If one or both of the parents of the minor is unknown, or if  
30 the name of either or both of his parents is uncertain, then those  
31 facts must be set forth in the affidavit and the court shall order the  
32 notice to be directed and addressed to either the father or the mother  
33 of the person, and to all persons claiming to be the father or mother  
34 of the person. The notice, after the caption, must be addressed  
35 substantially as follows: "To the father and mother of the above-  
36 named person, and to all persons claiming to be the father or mother  
37 of that person."

38 *6. The provisions of this section do not apply to a summary*  
39 *petition for termination of parental rights pursuant to section 12*  
40 *of this act.*

41 **Sec. 18.** NRS 128.080 is hereby amended to read as follows:

42 128.080 The notice *required pursuant to NRS 128.060 and*  
43 *128.070* must be in substantially the following form:



In the ..... Judicial District Court of the State of Nevada,  
in and for the County of .....

In the matter of parental rights  
as to ....., a minor.

Notice

To ....., the father or ....., the mother of  
the above-named person; or ~~[ ]~~ to the father and mother of the  
above-named person, and to all persons claiming to be the father or  
mother of this person; or ~~[ ]~~ to ....., related to the above-  
named minor as .....; and ~~[ ]~~ to ....., the legal  
custodian or guardian of the above-named minor:

You are hereby notified that there has been filed in the above-  
entitled court a petition praying for the termination of parental rights  
over the above-named minor person, and that the petition has been  
set for hearing before this court, at the courtroom thereof, at  
....., in the County of ....., on the ..... day  
of the month of ..... of the year ..... at..... o'clock .....m., at  
which time and place you are required to be present if you desire to  
oppose the petition.

Dated ..... (month) ..... (day) ..... (year)

.....  
Clerk of Court

(SEAL)

By .....  
Deputy

**Sec. 19.** NRS 128.085 is hereby amended to read as follows:  
128.085 ~~[When]~~ *Except as otherwise provided in section 12 of  
this act:*

**1. If** the mother of an unborn child files a petition for  
termination of the father's parental rights, the father or putative  
father, if known, ~~[shall]~~ *must* be served with notice of the hearing in  
the manner provided for in NRS 128.060, 128.070 and 128.080.

**2.** The hearing ~~[shall]~~ *must* not be held until the birth of the  
child or 6 months after the filing of the petition, whichever is later.

**Sec. 20.** NRS 128.090 is hereby amended to read as follows:  
128.090 1. ~~[At]~~ *Except in the case of a summary petition  
filed pursuant to section 12 of this act, at* the time stated in the  
notice, or at the earliest time thereafter to which the hearing may be  
postponed, the court shall proceed to hear the petition.



2. The proceedings are civil in nature and are governed by the Nevada Rules of Civil Procedure. The court shall in all cases require the petitioner to establish the facts by clear and convincing evidence and shall give full and careful consideration to all of the evidence presented, with regard to the rights and claims of the parent of the child and to any and all ties of blood or affection, but with a dominant purpose of serving the best interests of the child.

3. Information contained in a report filed pursuant to NRS 432.0999 to 432.130, inclusive, or chapter 432B of NRS may not be excluded from the proceeding by the invoking of any privilege.

4. In the event of postponement, all persons served, who are not present or represented in court at the time of the postponement, must be notified thereof in the manner provided by the Nevada Rules of Civil Procedure.

5. Any hearing held pursuant to this section must be held in closed court without admittance of any person other than those necessary to the action or proceeding, unless the court determines that holding such a hearing in open court will not be detrimental to the child.

**Sec. 21.** NRS 128.110 is hereby amended to read as follows:

128.110 1. Whenever the ~~procedure~~ *procedures* described in this chapter ~~has~~ *have* been followed, and upon finding grounds for the termination of parental rights pursuant to NRS 128.105 at a hearing upon the petition ~~or~~ *or without a hearing in the case of a summary petition filed pursuant to section 12 of this act*, the court shall make a written order, signed by the judge presiding in the court, judicially depriving the parent or parents of the custody and control of, and terminating the parental rights of the parent or parents with respect to the child, and declaring the child to be free from such custody or control, and placing the custody and control of the child in some person or agency qualified by the laws of this State to provide services and care to children, or to receive any children for placement.

2. If the child is placed in the custody and control of a person or agency qualified by the laws of this State to receive children for placement, the person or agency, in seeking to place the child:

(a) May give preference to the placement of the child with any person related within the third degree of consanguinity to the child whom the person or agency finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State.

(b) Shall, if practicable, give preference to the placement of the child together with his siblings.



1    ➤ Any search for a relative with whom to place a child pursuant to  
2 this subsection must be completed within 1 year after the initial  
3 placement of the child outside of his home.

4    **Sec. 22.** NRS 128.120 is hereby amended to read as follows:

5    128.120 Any order made and entered by the court ~~[under]~~  
6 *pursuant to* the provisions of NRS 128.110 *or section 12 of this act*  
7 is conclusive and binding upon the person declared to be free from  
8 the custody and control of his parent or parents, and upon all other  
9 persons who have been served with notice by publication or  
10 otherwise, as provided by this chapter. After the making of the  
11 order, the court has no power to set aside, change or modify it, but  
12 nothing in this chapter impairs the right of appeal.

13    **Sec. 23.** NRS 128.150 is hereby amended to read as follows:

14    128.150 1. If a mother relinquishes or proposes to relinquish  
15 for adoption a child who has:

16    (a) A presumed father ~~[under]~~ *pursuant to* subsection 1 of  
17 NRS 126.051;

18    (b) A father whose relationship to the child has been determined  
19 by a court; or

20    (c) A father as to whom the child is a legitimate child ~~[under]~~  
21 *pursuant to* chapter 126 of NRS, ~~[under]~~ *the* prior law of this State  
22 or ~~[under]~~ the law of another jurisdiction,

23    ➤ and the father has not consented to the adoption of the child or  
24 relinquished the child for adoption, a proceeding must be brought  
25 pursuant to this chapter and a determination made of whether a  
26 parent and child relationship exists and , if so, if it should be  
27 terminated.

28    2. If a mother relinquishes or proposes to relinquish for  
29 adoption a child who does not have:

30    (a) A presumed father ~~[under]~~ *pursuant to* subsection 1 of  
31 NRS 126.051;

32    (b) A father whose relationship to the child has been determined  
33 by a court;

34    (c) A father as to whom the child is a legitimate child ~~[under]~~  
35 *pursuant to* chapter 126 of NRS, ~~[under]~~ *the* prior law of this State  
36 or ~~[under]~~ the law of another jurisdiction; or

37    (d) A father who can be identified in any other way,  
38    ➤ or if a child otherwise becomes the subject of an adoption  
39 proceeding, the agency or person to whom the child has been or is to  
40 be relinquished, or the mother or the person having custody of the  
41 child, shall file a petition in the district court to terminate the  
42 parental rights of the father, unless *a summary petition is filed*  
43 *pursuant to section 12 of this act or unless* the father's relationship  
44 to the child has been previously terminated or determined not to  
45 exist by a court.



1        3. ~~Has~~ *Except in the case of a summary petition filed*  
2 *pursuant to section 12 of this act, in* an effort to identify and  
3 protect the interests of the natural father, the court which is  
4 conducting a proceeding pursuant to this chapter shall cause inquiry  
5 to be made of the mother and any other appropriate person. The  
6 inquiry must include the following:

7        (a) Whether the mother was married at the time of conception of  
8 the child or at any time thereafter.

9        (b) Whether the mother was cohabiting with a man at the time of  
10 conception or birth of the child.

11        (c) Whether the mother has received support payments or  
12 promises of support with respect to the child or in connection with  
13 her pregnancy.

14        (d) Whether any man has formally or informally acknowledged  
15 or declared his possible paternity of the child.

16        4. If, after the inquiry ~~is~~ *pursuant to subsection 3*, the natural  
17 father is identified to the satisfaction of the court, or if more than  
18 one man is identified as a possible father, each must be given notice  
19 of the proceeding in accordance with subsection 6 ~~[of this section]~~  
20 or with this chapter, as applicable. If any of them fails to appear or,  
21 if appearing, fails to claim custodial rights, such failure constitutes  
22 abandonment of the child. If the natural father, or a man  
23 representing himself to be the natural father, claims custodial rights,  
24 the court shall proceed to determine custodial rights.

25        5. If, after the inquiry ~~is~~ *pursuant to subsection 3*, the court is  
26 unable to identify the natural father or any possible natural father  
27 and no person has appeared claiming to be the natural father and  
28 claiming custodial rights, the court shall enter an order terminating  
29 the unknown natural father's parental rights with reference to the  
30 child. Subject to the disposition of any appeal, upon the expiration  
31 of 6 months after an order terminating parental rights is issued  
32 ~~[under]~~ *pursuant to* this subsection ~~[is]~~ or this chapter, the order  
33 cannot be questioned by any person in any manner or upon any  
34 ground, including fraud, misrepresentation, failure to give any  
35 required notice or lack of jurisdiction of the parties or of the subject  
36 matter.

37        6. ~~[Notice]~~ *Except in the case of a summary petition filed*  
38 *pursuant to section 12 of this act, notice* of the proceeding must be  
39 given to every person identified as the natural father or a ~~[possible]~~  
40 *person presumed to be the* natural father in the manner provided by  
41 law and the Nevada Rules of Civil Procedure for the service of  
42 process in a civil action, or in any manner the court directs. Proof of  
43 giving the notice must be filed with the court before the petition is  
44 heard.



1     **Sec. 24.** The amendatory provisions of this act apply with  
2 respect to any child who is born on or after October 1, 2007.

3     **Sec. 25.** 1. This section becomes effective upon passage and  
4 approval.

5     2. Sections 1 to 24, inclusive, of this act become effective upon  
6 passage and approval for the purpose of adopting regulations  
7 necessary to carry out this act and on October 1, 2007, for all other  
8 purposes.

