

ASSEMBLY BILL NO. 111—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON
CHILD WELFARE AND JUVENILE JUSTICE)

PREFILED FEBRUARY 3, 2011

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to domestic relations.
(BDR 11-197)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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; authorizing certain prospective adoptive parents to attend by telephone hearings concerning a petition for adoption; revising the residency requirements for certain adoptions; revising provisions relating to the hearing required for determining whether to include in a decree of adoption rights to visitation with siblings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes prospective adoptive parents to attend, by telephone or in person, any hearings held by the court concerning a petition for adoption if the prospective adoptive parents reside in another state or jurisdiction and the adoption is of a child who is in the custody of an agency which provides child welfare services.

Existing law requires prospective adoptive parents to reside in Nevada for a period of at least 6 months before a petition for adoption may be granted. (NRS 127.060) **Section 2** of this bill provides an exception to that requirement for petitions for the adoption of a child who is in the custody of an agency which provides child welfare services. Thus, persons who have lived in Nevada for less than 6 months and residents of another state or jurisdiction are exempt from the residency requirement if the petition for adoption is filed for the adoption of a child who is in the custody of an agency which provides child welfare services.

Existing law requires a court to conduct a hearing to determine whether to grant visitation rights with a sibling as part of an adoption decree when the adoption is of a child in the custody of an agency which provides child welfare services. (NRS 127.2827) **Section 6** of this bill requires the clerk of the court to give notice of the



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time and place of the hearing to any interested party in the adoption. **Section 6** further requires that the hearing must be held at a date and time that is different from the date and time of the hearing held by the court to enter a decree of adoption or to deny the petition for adoption.

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

Section 1. Chapter 127 of NRS is hereby amended by adding thereto a new section to read as follows:

The prospective adoptive parents may attend by telephone, in lieu of attending in person, any hearings held by the court concerning the petition for adoption if:

1. The prospective adoptive parents reside in another state or jurisdiction; and

2. The petition for adoption is filed for the adoption of a child who is in the custody of an agency which provides child welfare services.

Sec. 2. NRS 127.005 is hereby amended to read as follows:

127.005 The provisions of NRS 127.010 to 127.1895, inclusive, *and section 1 of this act* govern the adoption of minor children, and the provisions of NRS 127.190, 127.200 and 127.210 and the provisions of NRS 127.010 to 127.1895, inclusive, where not inconsistent with the provisions of NRS 127.190, 127.200 and 127.210, govern the adoption of adults.

Sec. 3. NRS 127.060 is hereby amended to read as follows:

127.060 1. ~~{The}~~ *Except as otherwise provided in subsection 3, the* petition for adoption shall not be granted unless the petitioners have resided in the State of Nevada for a period of 6 months prior to the granting of the petition.

2. The same petitioners may, in one petition, petition for the adoption of two or more children, if the children be brothers or sisters or brother and sister.

3. The provisions of subsection 1 do not apply if the petition for adoption is filed for the adoption of a child who is in the custody of an agency which provides child welfare services.

Sec. 4. NRS 127.110 is hereby amended to read as follows:

127.110 1. A petition for adoption of a child who currently resides in the home of the petitioners may be filed at any time after the child has lived in the home for 30 days.

2. The petition for adoption must state, in substance, the following:

(a) The full name and age of the petitioners and *, unless the petition is a petition for adoption described in subsection 3 of*



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1 **NRS 127.060**, the period the petitioners have resided in the State of
2 Nevada before the filing of the petition.

3 (b) The age of the child sought to be adopted and the period that
4 the child has lived in the home of petitioners before the filing of the
5 petition.

6 (c) That it is the desire of the petitioners that the relationship of
7 parent and child be established between them and the child.

8 (d) Their desire that the name of the child be changed, together
9 with the new name desired.

10 (e) That the petitioners are fit and proper persons to have the
11 care and custody of the child.

12 (f) That they are financially able to provide for the child.

13 (g) That there has been a full compliance with the law in regard
14 to consent to adoption.

15 (h) That there has been a full compliance with NRS 127.220 to
16 127.310, inclusive.

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

18 3. No order of adoption may be entered unless there has been
19 full compliance with the provisions of NRS 127.220 to 127.310,
20 inclusive.

21 **Sec. 5.** NRS 127.188 is hereby amended to read as follows:

22 127.188 1. Before a court may enter an order or decree of
23 adoption of a child, the court must address in person:

24 (a) ~~Each~~ **Except as otherwise provided in subsection 2, each**
25 prospective adoptive parent of the child to be adopted;

26 (b) Each director or other authorized representative of the
27 agency which provides child welfare services or the licensed child-
28 placing agency involved in the adoption proceedings concerning the
29 child; and

30 (c) Each attorney representing a prospective adoptive parent, the
31 child, the agency which provides child welfare services or the
32 licensed child-placing agency in the adoption proceedings
33 concerning the child,

34 ➔ and inquire whether the person has actual knowledge that the
35 prospective adoptive parent or parents of the child and natural
36 parent or parents of the child have entered into an agreement that
37 provides for postadoptive contact pursuant to NRS 127.187.

38 2. **The court may for purposes of subsection 1 address a**
39 **prospective adoptive parent described in section 1 of this act by**
40 **telephone.**

41 3. If the court determines that the prospective adoptive parent
42 or parents and the natural parent or parents have entered into an
43 agreement that provides for postadoptive contact, the court shall:

44 (a) Order the prospective adoptive parent or parents to provide a
45 copy of the agreement to the court; and



(b) Incorporate the agreement into the order or decree of adoption.

Sec. 6. NRS 127.2827 is hereby amended to read as follows:

127.2827 1. If a child who is in the custody of an agency which provides child welfare services is placed for adoption, the agency must provide the court which is conducting the adoption proceedings with a copy of any order for visitation with a sibling of the child that was issued pursuant to NRS 432B.580 and the court must conduct a hearing to determine whether to include an order for visitation with a sibling in the decree of adoption.

2. *The clerk of the court shall give written notice of the time and place of the hearing described in subsection 1 to any interested party in the adoption, including, without limitation, the adoptive parent, the adoptive child, a sibling of the adoptive child, the agency which provides child welfare services or a licensed child-placing agency.*

3. Any interested party in the adoption, ~~including, without limitation, the adoptive parent, the adoptive child, a sibling of the adoptive child, the agency which provides child welfare services or a licensed child-placing agency~~ *as described in subsection 2*, may petition the court to participate in the determination of whether to include an order of visitation with a sibling in the decree of adoption.

~~[3.]~~ 4. *The hearing to determine whether to include an order of visitation with a sibling in the decree of adoption must be held at a date and time that is different from the date and time of the hearing held by the court to enter a decree of adoption or to deny the petition for adoption.*

5. The sole consideration of the court in making a determination concerning visitation with a sibling pursuant to this section is the best interest of the child.

Sec. 7. This act becomes effective on July 1, 2011.

