

ASSEMBLY BILL NO. 147—ASSEMBLYMEN MASTROLUCA,
OHRENSCHALL; BENITEZ-THOMPSON, DONDERO LOOP,
FLORES AND FRIERSON

FEBRUARY 14, 2011

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the termination of
parental rights. (BDR 11-116)

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; providing that the
termination of parental rights does not terminate the right
of a child to inherit from his or her parent or parents; and
providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, upon finding grounds for the termination of parental rights,
2 a court is required to make a written order judicially: (1) depriving the parent or
3 parents of the custody and control of the child; (2) terminating the parental rights of
4 the parent or parents with respect to the child; and (3) placing the custody and
5 control of the child in some person or agency qualified by the laws of this State to
6 provide services and care to children, or to receive any children for placement.
7 (NRS 128.110) **Section 2** of this bill provides that the termination of parental rights
8 does not terminate the right of the child to inherit from his or her parent or parents.
9 **Section 1** of this bill makes a corresponding technical change by amending the
10 definition of “parent and child relationship” to delete the reference to the right of
11 inheritance and clarify that the termination of parental rights, which severs the
12 “parent and child relationship,” does not thereby terminate the right of the child to
13 inherit from his or her parent or parents.



* A B 1 4 7 *

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

1 **Section 1.** NRS 128.015 is hereby amended to read as follows:
2 128.015 1. "Parent and child relationship" includes all rights,
3 privileges and obligations existing between parent and child . ~~‡~~
4 ~~including rights of inheritance.‡~~

5 2. As used in this section, "parent" includes an adoptive parent.

6 **Sec. 2.** NRS 128.110 is hereby amended to read as follows:

7 128.110 1. Whenever the procedure described in this chapter
8 has been followed, and upon finding grounds for the termination of
9 parental rights pursuant to NRS 128.105 at a hearing upon the
10 petition, the court shall make a written order, signed by the judge
11 presiding in the court, judicially depriving the parent or parents of
12 the custody and control of, and terminating the parental rights of the
13 parent or parents with respect to the child, and declaring the child to
14 be free from such custody or control, and placing the custody and
15 control of the child in some person or agency qualified by the laws
16 of this State to provide services and care to children, or to receive
17 any children for placement. *The termination of parental rights*
18 *pursuant to this section does not terminate the right of the child to*
19 *inherit from his or her parent or parents.*

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

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

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

30 ↪ Any search for a relative with whom to place a child pursuant to
31 this subsection must be completed within 1 year after the initial
32 placement of the child outside of his or her home.

