

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 ~~fomitted-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
except under certain circumstances; 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 except that the right to inherit terminates if the child is adopted. **Section 1** of this
10 bill makes a corresponding technical change by amending the definition of “parent
11 and child relationship” to delete the reference to the right of inheritance and clarify
12 that the termination of parental rights, which severs the “parent and child
13 relationship,” does not thereby terminate the right of the child to inherit from his or
14 her parent or parents.



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

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

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

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

128.110 1. Whenever the procedure described in this chapter
has been followed, and upon finding grounds for the termination of
parental rights pursuant to NRS 128.105 at a hearing upon the
petition, 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. *The termination of parental rights
pursuant to this section does not terminate the right of the child to
inherit from his or her parent or parents, except that the right to
inherit terminates if the child is adopted as provided in
NRS 127.160.*

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 fifth 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 or her siblings.

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

